

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Dickinson
(Principal coauthor: Senator Pavley)
(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10927, 10933, and 12924 and 1831 of, to add Sections 113, 1529.5, and 10750.1 *Section 1529.5* to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add ~~Part 2.74 (commencing with Section 10720) to Division 6~~ *Chapter 7 (commencing with Section 10729), Chapter 8 (commencing with Section 10730), Chapter 9 (commencing with Section 10732), Chapter 10 (commencing with Section 10733), and Chapter 11 (commencing with Section 10735) to Part 2.74 of Division 6* of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater management.

~~(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies,~~

including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3)

(1) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

~~This bill, with certain exceptions, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed.~~

~~This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.~~

~~This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility; to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater extraction, and to impose certain fees.~~

~~This bill would *provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013–14 Regular Session, to impose certain fees.* The bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.~~

~~This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require~~

the department, ~~in consultation with the State Water Resources Control Board,~~ to develop certain guidelines. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative that the local agency believes satisfies the objectives of these provisions. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would ~~require~~ authorize the department to ~~adopt a schedule of fees to recover costs incurred~~ *assess an administrative charge on groundwater sustainability agencies and the board, as specified, and would require that all charges collected by the department pursuant to these provisions be deposited in the Groundwater Sustainability Plan Administration Fund, which would be created by the bill. The bill would require that moneys in the fund be available to the department, upon appropriation, for support of the department in receiving, evaluating, assessing, and making determinations about the adequacy of the groundwater sustainability plan or alternative.*

This bill would authorize ~~a groundwater sustainability agency and the board~~ to conduct inspections and would authorize ~~a groundwater sustainability agency or the board~~ to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend

an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

(4)

(2) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for, among other things, the administration of the State Water Resource Control Board's water rights program.

This bill would provide that the money in the Water Rights Fund is available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.

(5)

(3) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements to the board or certain other entity for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting

requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

(6)

(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order or interim plan by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require ~~a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency or an entity that submits an alternative~~ to provide the planning agency with certain information as is appropriate and relevant, *including a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan.*

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

(7)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(8)

(6) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(7) *This bill would make its operation contingent on the enactment of SB 1168 of the 2013–14 Regular Session.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the
3 protection, management, and reasonable beneficial use of the water
4 resources of the state, both surface and underground, and that the
5 integrated management of the state's water resources is essential
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California's
8 water supply. Groundwater accounts for more than one-third of
9 the water used by Californians in an average year and more than
10 one-half of the water used by Californians in a drought year when
11 other sources are unavailable.

12 (3) Excessive groundwater extraction can cause overdraft, failed
13 wells, deteriorated water quality, environmental damage, and

1 irreversible land subsidence that damages infrastructure and
2 diminishes the capacity of aquifers to store water for the future.

3 (4) When properly managed, groundwater resources will help
4 protect communities, farms, and the environment against prolonged
5 dry periods and climate change, preserving water supplies for
6 existing and potential beneficial use.

7 (5) Failure to manage groundwater to prevent long-term
8 overdraft infringes on groundwater rights.

9 (6) Groundwater resources are most effectively managed at the
10 local or regional level.

11 (7) Groundwater management will not be effective unless local
12 actions to sustainably manage groundwater basins and subbasins
13 are taken.

14 (8) Local and regional agencies need to have the necessary
15 support and authority to manage groundwater sustainably.

16 (9) In those circumstances where a local groundwater
17 management agency is not managing its groundwater sustainably,
18 the state needs to protect the resource until it is determined that a
19 local groundwater management agency can sustainably manage
20 the groundwater basin or subbasin.

21 (10) Information on the amount of groundwater extraction,
22 natural and artificial recharge, and groundwater evaluations are
23 critical for effective management of groundwater.

24 (11) Sustainable groundwater management in California depends
25 upon creating more opportunities for robust conjunctive
26 management of surface water and groundwater resources. Climate
27 change will intensify the need to recalibrate and reconcile surface
28 water and groundwater management strategies.

29 (b) ~~It is therefore~~ *is, therefore*, the intent of the Legislature to
30 do all of the following:

31 (1) To provide local and regional agencies the authority to
32 sustainably manage groundwater.

33 (2) To provide that if no local groundwater agency or agencies
34 provide sustainable groundwater management for a groundwater
35 basin or subbasin, the state has the authority to develop and
36 implement an interim plan until the time the local groundwater
37 sustainability agency or agencies can assume management of the
38 basin or subbasin.

39 (3) To require the development and reporting of those data
40 necessary to support sustainable groundwater management,

1 including those data that help describe the basin's geology, the
2 short- and long-term trends of the basin's water balance, and other
3 measures of sustainability, and those data necessary to resolve
4 disputes regarding sustainable yield, beneficial uses, and water
5 rights.

6 (4) To respect overlying and other proprietary rights to
7 groundwater.

8 *(5) To recognize and preserve the authority of cities and counties*
9 *to manage groundwater pursuant to their police powers.*

10 SEC. 2. Section 65350.5 is added to the Government Code, to
11 read:

12 65350.5. Before the adoption or any substantial amendment
13 of a city's or county's general plan, the planning agency shall
14 review and consider all of the following:

15 (a) An adoption of, or update to, a groundwater sustainability
16 plan or groundwater management plan pursuant to Part 2.74
17 (commencing with Section 10720) or Part 2.75 (commencing with
18 Section 10750) of Division 6 of the Water Code or groundwater
19 management court order, judgment, or decree.

20 (b) An adjudication of water rights.

21 (c) An order or interim plan by the State Water Resources
22 Control Board pursuant to Chapter 11 (commencing with Section
23 10735) of Part 2.74 of Division 6 of the Water Code.

24 SEC. 3. Section 65352 of the Government Code is amended
25 to read:

26 65352. (a) Before a legislative body takes action to adopt or
27 substantially amend a general plan, the planning agency shall refer
28 the proposed action to all of the following entities:

29 (1) A city or county, within or abutting the area covered by the
30 proposal, and any special district that may be significantly affected
31 by the proposed action, as determined by the planning agency.

32 (2) An elementary, high school, or unified school district within
33 the area covered by the proposed action.

34 (3) The local agency formation commission.

35 (4) An areawide planning agency whose operations may be
36 significantly affected by the proposed action, as determined by the
37 planning agency.

38 (5) A federal agency, if its operations or lands within its
39 jurisdiction may be significantly affected by the proposed action,
40 as determined by the planning agency.

1 (6) (A) The branches of the United States Armed Forces that
2 have provided the Office of Planning and Research with a
3 California mailing address pursuant to subdivision (d) of Section
4 65944, if the proposed action is within 1,000 feet of a military
5 installation, or lies within special use airspace, or beneath a
6 low-level flight path, as defined in Section 21098 of the Public
7 Resources Code, and if the United States Department of Defense
8 provides electronic maps of low-level flight paths, special use
9 airspace, and military installations at a scale and in an electronic
10 format that is acceptable to the Office of Planning and Research.

11 (B) Within 30 days of a determination by the Office of Planning
12 and Research that the information provided by the Department of
13 Defense is sufficient and in an acceptable scale and format, the
14 office shall notify cities, counties, and cities and counties of the
15 availability of the information on the Internet. Cities, counties, and
16 cities and counties shall comply with subparagraph (A) within 30
17 days of receiving this notice from the office.

18 (7) A public water system, as defined in Section 116275 of the
19 Health and Safety Code, with 3,000 or more service connections,
20 that serves water to customers within the area covered by the
21 proposal. The public water system shall have at least 45 days to
22 comment on the proposed plan, in accordance with subdivision
23 (b), and to provide the planning agency with the information set
24 forth in Section 65352.5.

25 (8) Any groundwater sustainability agency that has adopted a
26 groundwater sustainability plan pursuant to Part 2.74 (commencing
27 with Section 10720) of Division 6 of the Water Code or local
28 agency that otherwise manages groundwater pursuant to other
29 provisions of law or a court order, judgment, or decree within the
30 planning area of the proposed general plan.

31 (9) The State Water Resources Control Board, if it has adopted
32 an interim plan pursuant to Chapter 11 (commencing with Section
33 10735) of Part 2.74 of Division 6 of the Water Code that includes
34 territory within the planning area of the proposed general plan.

35 (10) The Bay Area Air Quality Management District for a
36 proposed action within the boundaries of the district.

37 (11) A California Native American ~~tribe~~, *tribe* that is on the
38 contact list maintained by the Native American Heritage
39 Commission and that has traditional lands located within the city's
40 or county's jurisdiction.

1 (12) The Central Valley Flood Protection ~~Board~~, *Board* for a
2 proposed action within the boundaries of the Sacramento and San
3 Joaquin Drainage District, as set forth in Section 8501 of the Water
4 Code.

5 (b) An entity receiving a proposed general plan or amendment
6 of a general plan pursuant to this section shall have 45 days from
7 the date the referring agency mails it or delivers it to comment
8 unless a longer period is specified by the planning agency.

9 (c) (1) This section is directory, not mandatory, and the failure
10 to refer a proposed action to the entities specified in this section
11 does not affect the validity of the action, if adopted.

12 (2) To the extent that the requirements of this section conflict
13 with the requirements of Chapter 4.4 (commencing with Section
14 65919), the requirements of Chapter 4.4 shall prevail.

15 SEC. 4. Section 65352.5 of the Government Code is amended
16 to read:

17 65352.5. (a) The Legislature finds and declares that it is vital
18 that there be close coordination and consultation between
19 California's water supply or management agencies and California's
20 land use approval agencies to ensure that proper water supply and
21 management planning occurs to accommodate projects that will
22 result in increased demands on water supplies or impact water
23 resource management.

24 (b) It is, therefore, the intent of the Legislature to provide a
25 standardized process for determining the adequacy of existing and
26 planned future water supplies to meet existing and planned future
27 demands on these water supplies and the impact of land use
28 decisions on the management of California's water supply
29 resources.

30 (c) Upon receiving, pursuant to Section 65352, notification of
31 a city's or a county's proposed action to adopt or substantially
32 amend a general plan, a public water system, as defined in Section
33 116275 of the Health and Safety Code, with 3,000 or more service
34 connections, shall provide the planning agency with the following
35 information, as is appropriate and relevant:

36 (1) The current version of its urban water management plan,
37 adopted pursuant to Part 2.6 (commencing with Section 10610)
38 of Division 6 of the Water Code.

39 (2) The current version of its capital improvement program or
40 plan, as reported pursuant to Section 31144.73 of the Water Code.

1 (3) A description of the source or sources of the total water
2 supply currently available to the water supplier by water right or
3 contract, taking into account historical data concerning wet, normal,
4 and dry runoff years.

5 (4) A description of the quantity of surface water that was
6 purveyed by the water supplier in each of the previous five years.

7 (5) A description of the quantity of groundwater that was
8 purveyed by the water supplier in each of the previous five years.

9 (6) A description of all proposed additional sources of water
10 supplies for the water supplier, including the estimated dates by
11 which these additional sources should be available and the
12 quantities of additional water supplies that are being proposed.

13 (7) A description of the total number of customers currently
14 served by the water supplier, as identified by the following
15 categories and by the amount of water served to each category:

16 (A) Agricultural users.

17 (B) Commercial users.

18 (C) Industrial users.

19 (D) Residential users.

20 (8) Quantification of the expected reduction in total water
21 demand, identified by each customer category set forth in paragraph
22 (7), associated with future implementation of water use reduction
23 measures identified in the water supplier's urban water
24 management plan.

25 (9) Any additional information that is relevant to determining
26 the adequacy of existing and planned future water supplies to meet
27 existing and planned future demands on these water supplies.

28 ~~(10) A report on the anticipated effect of proposed action to~~
29 ~~adopt or substantially amend a general plan on implementation of~~
30 ~~a groundwater sustainability plan pursuant to Part 2.74~~
31 ~~(commencing with Section 10720) of Division 6 of the Water~~
32 ~~Code.~~

33 (d) Upon receiving, pursuant to Section 65352, notification of
34 a city's or a county's proposed action to adopt or substantially
35 amend a general plan, a groundwater sustainability agency, as
36 defined in Section 10721 of the Water Code, *or an entity that*
37 *submits an alternative under Section 10733.6* shall provide the
38 planning agency with the following information, as is appropriate
39 and relevant:

1 (1) The current version of its groundwater sustainability plan
2 *or alternative* adopted pursuant to Part 2.74 (commencing with
3 Section 10720) of Division 6 of the Water Code.

4 (2) If the groundwater sustainability agency manages
5 groundwater pursuant to a court order, judgment, decree, or
6 agreement among affected water rights holders, or if the State
7 Water Resources Control Board has adopted an interim plan
8 pursuant to Chapter 11 (commencing with Section 10735) of Part
9 2.74 of Division 6 of the Water Code, the groundwater
10 sustainability agency shall provide the planning agency with maps
11 of recharge basins and percolation ponds, extraction limitations,
12 and other relevant information, or the court order, judgment, or
13 decree.

14 (3) *A report on the anticipated effect of proposed action to adopt*
15 *or substantially amend a general plan on implementation of a*
16 *groundwater sustainability plan pursuant to Part 2.74*
17 *(commencing with Section 10720) of Division 6 of the Water Code.*

18 ~~SEC. 5. Section 113 is added to the Water Code, to read:~~

19 ~~113. It is the policy of the state that groundwater resources be~~
20 ~~managed sustainably for long-term reliability and multiple~~
21 ~~economic, social, and environmental benefits for current and future~~
22 ~~beneficial uses. Sustainable groundwater management is best~~
23 ~~achieved locally through the development, implementation, and~~
24 ~~updating of plans and programs based on the best available science.~~

25 ~~SEC. 6.~~

26 *SEC. 5.* Section 348 of the Water Code is amended to read:

27 348. (a) The department or the board may adopt emergency
28 regulations providing for the electronic filing of reports of water
29 extraction or water diversion or use required to be filed with the
30 department or board under this code, including, but not limited to,
31 any report required to be filed under Part 5.1 (commencing with
32 Section 5100) or Part 5.2 (commencing with Section 5200) of
33 Division 2 and any report required to be filed by a water right
34 permittee or licensee.

35 (b) Emergency regulations adopted pursuant to this section, or
36 any amendments thereto, shall be adopted by the department or
37 the board in accordance with Chapter 3.5 (commencing with
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
39 Code. The adoption of these regulations is an emergency and shall
40 be considered by the Office of Administrative Law as necessary

1 for the immediate preservation of the public peace, health, safety,
2 and general welfare. Notwithstanding Chapter 3.5 (commencing
3 with Section 11340) of Part 1 of Division 3 of Title 2 of the
4 Government Code, any emergency regulations or amendments to
5 those regulations adopted under this section shall remain in effect
6 until revised by the department or the board that adopted the
7 regulations or amendments.

8 ~~SEC. 7.~~

9 *SEC. 6.* Section 1120 of the Water Code is amended to read:

10 1120. This chapter applies to any decision or order issued under
11 this part or Section 275, Part 2 (commencing with Section 1200),
12 Part 2 (commencing with Section 10500) of Division 6, Chapter
13 11 (commencing with Section 10735) of Part 2.74 of Division 6,
14 Article 7 (commencing with Section 13550) of Chapter 7 of
15 Division 7, or the public trust doctrine.

16 ~~SEC. 8.~~

17 *SEC. 7.* Section 1529.5 is added to the Water Code, to read:

18 1529.5. (a) The board shall adopt a schedule of fees pursuant
19 to Section 1530 to recover costs incurred in administering Chapter
20 11 (commencing with Section 10735) of Part 2.74 of Division 6.
21 Recoverable costs include, but are not limited to, costs incurred
22 in connection with investigations, facilitation, monitoring, hearings,
23 enforcement, and administrative costs in carrying out these actions.

24 (b) The fee schedule adopted under this section may include,
25 but is not limited to, the following:

26 (1) A fee for participation as a petitioner or party to an
27 adjudicative proceeding.

28 (2) A fee for the filing of a report pursuant to Part 5.2
29 (commencing with Section 5200) of Division 2.

30 (c) Consistent with Section 3 of Article XIII A of the California
31 Constitution, the board shall set the fees under this section in an
32 amount sufficient to cover all costs incurred and expended from
33 the Water Rights Fund for the purposes of Part 5.2 (commencing
34 with Section 5200) and Chapter 11 (commencing with Section
35 10735) of Part 2.74 of Division 6. In setting these fees, the board
36 is not required to fully recover these costs in the year or the year
37 immediately after the costs are incurred, but the board may provide
38 for recovery of these costs over a period of years.

39 ~~SEC. 9.~~

40 *SEC. 8.* Section 1552 of the Water Code is amended to read:

1 1552. The money in the Water Rights Fund is available for
2 expenditure, upon appropriation by the Legislature, for the
3 following purposes:

4 (a) For expenditure by the State Board of Equalization in the
5 administration of this chapter and the Fee Collection Procedures
6 Law (Part 30 (commencing with Section 55001) of Division 2 of
7 the Revenue and Taxation Code) in connection with any fee or
8 expense subject to this chapter.

9 (b) For the payment of refunds, pursuant to Part 30 (commencing
10 with Section 55001) of Division 2 of the Revenue and Taxation
11 Code, of fees or expenses collected pursuant to this chapter.

12 (c) For expenditure by the board for the purposes of carrying
13 out this division, Division 1 (commencing with Section 100), Part
14 2 (commencing with Section 10500) and Chapter 11 (commencing
15 with Section 10735) of Part 2.74 of Division 6, and Article 7
16 (commencing with Section 13550) of Chapter 7 of Division 7.

17 (d) For expenditures by the board for the purposes of carrying
18 out Sections 13160 and 13160.1 in connection with activities
19 involving hydroelectric power projects subject to licensing by the
20 Federal Energy Regulatory Commission.

21 (e) For expenditures by the board for the purposes of carrying
22 out Sections 13140 and 13170 in connection with plans and policies
23 that address the diversion or use of water.

24 ~~SEC. 10.~~

25 *SEC. 9.* Section 1831 of the Water Code is amended to read:

26 1831. (a) When the board determines that any person is
27 violating, or threatening to violate, any requirement described in
28 subdivision (d), the board may issue an order to that person to
29 cease and desist from that violation.

30 (b) The cease and desist order shall require that person to comply
31 forthwith or in accordance with a time schedule set by the board.

32 (c) The board may issue a cease and desist order only after
33 notice and an opportunity for hearing pursuant to Section 1834.

34 (d) The board may issue a cease and desist order in response to
35 a violation or threatened violation of any of the following:

36 (1) The prohibition set forth in Section 1052 against the
37 unauthorized diversion or use of water subject to this division.

38 (2) Any term or condition of a permit, license, certification, or
39 registration issued under this division.

(3) Any decision or order of the board issued under this part, Section 275, Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, or Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, in which decision or order the person to whom the cease and desist order will be issued, or a predecessor in interest to that person, was named as a party directly affected by the decision or order.

(4) A regulation adopted under Section 1058.5.

(5) Any extraction restriction, limitation, order, or regulation adopted or issued under Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6.

(e) This article does not authorize the board to regulate in any manner, the diversion or use of water not otherwise subject to regulation of the board under this division or Section 275.

~~SEC. 11.~~

SEC. 10. Part 5.2 (commencing with Section 5200) is added to Division 2 of the Water Code, to read:

**PART 5.2. GROUNDWATER EXTRACTION REPORTING
FOR PROBATIONARY BASINS AND BASINS WITHOUT A
GROUNDWATER SUSTAINABILITY AGENCY**

5200. The Legislature finds and declares that this part establishes groundwater reporting requirements for the purposes of subdivision (b) of Section 10724 and Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6.

5201. As used in this part:

(a) "Basin" has the same meaning as defined in Section 10721.

(b) "Board-designated local area" has the same meaning as defined in Section 5009.

(c) "De minimis extractor" has the same meaning as defined in Section 10721.

(d) "Groundwater" has the same meaning as defined in Section 10721.

(e) "Groundwater extraction facility" has the same meaning as defined in Section 10721.

(f) "Groundwater sustainability agency" has the same meaning as defined in Section 10721.

(g) "Person" has the same meaning as defined in Section 10735.

1 (h) “Personal information” has the same meaning as defined
2 in Section 1798.3 of the Civil Code.

3 ~~(h)~~

4 (i) “Probationary basin” has the same meaning as defined in
5 Section 10735.

6 ~~(i) “Personal information” has the same meaning as defined in~~
7 ~~Section 1798.3 of the Civil Code.~~

8 (j) “Water year” has the same meaning as defined in Section
9 10721.

10 5202. (a) This section applies to a person who does either of
11 the following:

12 (1) Extracts groundwater from a probationary basin 90 days or
13 more after the board designates the basin as a probationary basin
14 pursuant to Section 10735.2.

15 (2) Extracts groundwater on or after January 1, 2017, in an area
16 within a basin that is not within the management area of a
17 groundwater sustainability agency and where the county does not
18 assume responsibility to be the groundwater sustainability agency,
19 as provided in subdivision (b) of Section 10724.

20 (b) Except as provided in subdivision (c), a person subject to
21 this section shall file a report of groundwater extraction by
22 December 15 of each year for extractions made in the preceding
23 water year.

24 (c) Unless reporting is required pursuant to paragraph (2) of
25 subdivision (c) of Section 10735.2, this section does not apply to
26 any of the following:

27 (1) An extraction by a de minimis extractor.

28 (2) An extraction excluded from reporting pursuant to paragraph
29 (1) of subdivision (c) of Section 10735.2.

30 (3) An extraction reported pursuant to Part 5 (commencing with
31 Section 4999).

32 (4) An extraction that is included in annual reports filed with a
33 court or the board by a watermaster appointed by a court or
34 pursuant to statute to administer a final judgment determining
35 rights to water. The reports shall identify the persons who have
36 extracted water and give the general place of use and the quantity
37 of water that has been extracted from each source.

38 (d) Except as provided in Section 5209, the report shall be filed
39 with the board.

1 (e) The report may be filed by the person extracting water or
2 on that person's behalf by an agency that person designates and
3 that maintains a record of the water extracted.

4 (f) Each report shall be accompanied by the fee imposed
5 pursuant to Section 1529.5.

6 5203. Each report shall be prepared on a form provided by the
7 board. The report shall include all of the following information:

8 (a) The name and address of the person who extracted
9 groundwater and of the person filing the report.

10 (b) The name of the basin from which groundwater was
11 extracted.

12 (c) The place of groundwater extraction. The location of the
13 groundwater extraction facilities shall be depicted on a specific
14 United States Geological Survey topographic map or shall be
15 identified using the California Coordinate System or a latitude and
16 longitude measurement. If assigned, the public land description to
17 the nearest 40-acre subdivision and the assessor's parcel number
18 shall be provided.

19 (d) The capacity of the groundwater extraction facilities.

20 (e) Monthly records of groundwater extractions. The
21 measurements of the extractions shall be made by a methodology,
22 water-measuring device, or combination thereof satisfactory to the
23 board.

24 (f) The purpose of use.

25 (g) A general description of the area in which the water was
26 used. The location of the place of use shall be depicted on a specific
27 United States Geological Survey topographic map or on any other
28 maps with identifiable landmarks. If assigned, the public land
29 description to the nearest 40-acre subdivision and the assessor's
30 parcel number shall also be provided.

31 (h) As near as is known, the year in which the groundwater
32 extraction was commenced.

33 (i) Any information required pursuant to paragraph (3) of
34 subdivision (c) of Section 10735.2.

35 (j) Any other information that the board may require by
36 regulation and that is reasonably necessary for purposes of this
37 division or Part 2.74 (commencing with Section 10720) of Division
38 6.

39 5204. (a) If a person fails to file a report as required by this
40 part, the board may, at the expense of that person, investigate and

1 determine the information required to be reported pursuant to this
2 part.

3 (b) The board shall give a person described in subdivision (a)
4 notice of its intention to investigate and determine the information
5 required to be reported pursuant to this part and 60 days in which
6 to file a required report without penalty.

7 5205. A report submitted under this part or a determination of
8 facts by the board pursuant to Section 5104 shall not establish or
9 constitute evidence of a right to divert or use water.

10 5206. Personal information included in a report of groundwater
11 extraction shall have the same protection from disclosure as is
12 provided for information concerning utility customers of local
13 agencies pursuant to Section 6254.16 of the Government Code.

14 5207. ~~(a) A prescriptive~~ A right to extract groundwater that
15 may otherwise occur shall not arise or accrue to, and a statute of
16 limitations shall not operate in favor of, a person required to file
17 a report pursuant to this part until the person files the report.

18 ~~(b) For purposes of establishing or maintaining a water right,~~
19 ~~failure to file a report required to be filed pursuant to this part~~
20 ~~within six months after the report is due shall be deemed equivalent~~
21 ~~to nonuse during the period for which the report was required.~~

22 5208. Section 5107 applies to a report or measuring device
23 required pursuant to this part. For purposes of Section 5107, a
24 report of groundwater extraction, measuring device, or
25 misstatement required, used, or made pursuant to this part shall
26 be considered the equivalent of a statement, measuring device, or
27 misstatement required, used, or made pursuant to Part 5.1
28 (commencing with Section 5100).

29 5209. For groundwater extractions in a board-designated local
30 area, reports required pursuant to this part shall be submitted to
31 the entity designated pursuant to subdivision (e) of Section 5009
32 if both of the following occur:

33 (a) The board determines that the requirements of subdivision
34 (e) of Section 5009 have been satisfied with respect to extractions
35 subject to reporting pursuant to this part, in addition to any
36 groundwater extractions subject to Part 5 (commencing with
37 Section 4999).

38 (b) The designated entity has made satisfactory arrangements
39 to collect and transmit to the board any fees imposed pursuant to
40 paragraph (2) of subdivision (b) of Section 1529.5.

1 ~~SEC. 12. Part 2.74 (commencing with Section 10720) is added~~
2 ~~to Division 6 of the Water Code, to read:~~

3
4 ~~PART 2.74. SUSTAINABLE GROUNDWATER~~
5 ~~MANAGEMENT~~

6
7 ~~CHAPTER 1. GENERAL PROVISIONS~~
8

9 ~~10720. This part shall be known, and may be cited, as the~~
10 ~~“Sustainable Groundwater Management Act.”~~

11 ~~10720.1. In enacting this part, it is the intent of the Legislature~~
12 ~~to do all of the following:~~

13 ~~(a) To provide for the sustainable management of groundwater~~
14 ~~basins.~~

15 ~~(b) To enhance local management of groundwater consistent~~
16 ~~with rights to use or store groundwater and Section 2 of Article X~~
17 ~~of the California Constitution. It is the intent of the Legislature to~~
18 ~~preserve the security of water rights in the state to the greatest~~
19 ~~extent possible consistent with the sustainable management of~~
20 ~~groundwater.~~

21 ~~(c) To establish minimum standards for sustainable groundwater~~
22 ~~management.~~

23 ~~(d) To provide local groundwater agencies with the authority~~
24 ~~and the technical and financial assistance necessary to sustainably~~
25 ~~manage groundwater.~~

26 ~~(e) To avoid or minimize subsidence.~~

27 ~~(f) To improve data collection and understanding about~~
28 ~~groundwater.~~

29 ~~(g) To increase groundwater storage and remove impediments~~
30 ~~to recharge.~~

31 ~~(h) To manage groundwater basins through the actions of local~~
32 ~~governmental agencies to the greatest extent feasible, while~~
33 ~~minimizing state intervention to only when necessary to ensure~~
34 ~~that local agencies manage groundwater in a sustainable manner.~~

35 ~~10720.3. (a) This part applies to all groundwater basins in the~~
36 ~~state.~~

37 ~~(b) To the extent authorized under federal or tribal law, this part~~
38 ~~applies to an Indian tribe and to the federal government, including,~~
39 ~~but not limited to, the Department of Defense.~~

1 ~~10720.5.—Groundwater management pursuant to this part shall~~
2 ~~be consistent with Section 2 of Article X of the California~~
3 ~~Constitution. Nothing in this part modifies rights or priorities to~~
4 ~~use or store groundwater consistent with Section 2 of Article X of~~
5 ~~the California Constitution, except that in basins designated~~
6 ~~medium- or high-priority basins by the department, no extraction~~
7 ~~of groundwater between January 1, 2015, and the date of adoption~~
8 ~~of a groundwater sustainability plan pursuant to this part, whichever~~
9 ~~is sooner, may be used as evidence of, or to establish or defend~~
10 ~~against, any claim of prescription.~~

11 ~~10720.7.—By January 31, 2020, all basins designated as high-~~
12 ~~or medium-priority basins by the department shall be managed~~
13 ~~under a groundwater sustainability plan or coordinated groundwater~~
14 ~~sustainability plans pursuant to this part. The Legislature~~
15 ~~encourages and authorizes basins designated as low- and very low~~
16 ~~priority basins by the department to be managed under groundwater~~
17 ~~sustainability plans pursuant to this part.~~

18 ~~10720.9.—(a) Except as provided in subdivision (d), this part~~
19 ~~does not apply to the following adjudicated areas or a local agency~~
20 ~~that conforms to the requirements of an adjudication of water rights~~
21 ~~for one of the following adjudicated areas:~~

- 22 ~~(1) Beaumont Basin.~~
- 23 ~~(2) Brite Basin.~~
- 24 ~~(3) Central Basin.~~
- 25 ~~(4) Chino Basin.~~
- 26 ~~(5) Cucamonga Basin.~~
- 27 ~~(6) Cummings Basin.~~
- 28 ~~(7) Goleta Basin.~~
- 29 ~~(8) Main San Gabriel Basin.~~
- 30 ~~(9) Mojave Basin Area.~~
- 31 ~~(10) Puente Basin.~~
- 32 ~~(11) Raymond Basin.~~
- 33 ~~(12) San Jacinto Basin.~~
- 34 ~~(13) Santa Margarita River Watershed.~~
- 35 ~~(14) Santa Maria Valley Basin.~~
- 36 ~~(15) Santa Paula Basin.~~
- 37 ~~(16) Scott River Stream System.~~
- 38 ~~(17) Seaside Basin.~~
- 39 ~~(18) Six Basins.~~
- 40 ~~(19) Tehachapi Basin.~~

~~(20) Upper Los Angeles River Area.~~

~~(21) Warren Valley Basin.~~

~~(22) West Coast Basin.~~

~~(23) Western San Bernardino.~~

~~(b) The Antelope Valley basin at issue in the Antelope Valley Groundwater Cases (Judicial Council Coordination Proceeding Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court issues a final judgment, order, or decree.~~

~~(c) If an adjudication action has determined the rights to extract groundwater for only a portion of a basin, subdivisions (a) and (b) apply only within the area for which the adjudication action has determined those rights.~~

~~(d) The watermaster or a local agency within a basin identified in subdivision (a) shall do all of the following:~~

~~(1) By January 1, 2016, submit to the department a copy of a governing final judgment, or other judicial order or decree, and any amendments entered before January 1, 2016.~~

~~(2) Within 90 days of entry by a court, submit to the department a copy of any amendment made and entered by the court to the governing final judgment or other judicial order or decree on or after January 1, 2016.~~

~~(3) By January 1, 2016, and annually by January 1 of each year thereafter, submit to the department a report containing the following information for the portion of the basin subject to the adjudication:~~

~~(A) Groundwater elevation data.~~

~~(B) Annual aggregated data identifying groundwater extraction for the preceding water year.~~

~~(C) Surface water supply used for or available for use for groundwater recharge or in-lieu use.~~

~~(D) Total water use.~~

~~(E) Change in groundwater storage.~~

~~CHAPTER 2. DEFINITIONS~~

~~10721. Unless the context otherwise requires, the following definitions govern the construction of this part:~~

~~(a) "Adjudication action" means an action filed in the superior or federal district court to determine the rights to extract~~

1 groundwater from a basin or store water within a basin, including,
2 but not limited to, actions to quiet title respecting rights to extract
3 or store groundwater or an action brought to impose a physical
4 solution on a basin.

5 (b) “Basin” means a groundwater basin or subbasin identified
6 and defined in Bulletin 118 or as modified pursuant to Chapter 3
7 (commencing with Section 10722).

8 (c) “Bulletin 118” means the department’s report entitled
9 “California’s Groundwater: Bulletin 118” updated in 2003, as it
10 may be subsequently updated or revised in accordance with Section
11 12924.

12 (d) “Coordination agreement” means a legal agreement adopted
13 between two or more groundwater sustainability agencies that
14 provides the basis for coordinating multiple agencies or
15 groundwater sustainability plans within a basin pursuant to this
16 part.

17 (e) “De minimis extractor” means a person who extracts, for
18 domestic purposes, two acre-feet or less per year.

19 (f) “Governing body” means the legislative body of a
20 groundwater sustainability agency.

21 (g) “Groundwater” means water beneath the surface of the earth
22 within the zone below the water table in which the soil is
23 completely saturated with water, but does not include water that
24 flows in known and definite channels.

25 (h) “Groundwater extraction facility” means a device or method
26 for extracting groundwater from within a basin.

27 (i) “Groundwater recharge” means the augmentation of
28 groundwater, by natural or artificial means.

29 (j) “Groundwater sustainability agency” means one or more
30 local agencies that implement the provisions of this part. For
31 purposes of imposing fees pursuant to Chapter 8 (commencing
32 with Section 10730) or taking action to enforce a groundwater
33 sustainability plan, “groundwater sustainability agency” also means
34 each local agency comprising the groundwater sustainability
35 agency if the plan authorizes separate agency action.

36 (k) “Groundwater sustainability plan” or “plan” means a plan
37 of a groundwater sustainability agency proposed or adopted
38 pursuant to this part.

1 ~~(l) “Groundwater sustainability program” means a coordinated~~
2 ~~and ongoing activity undertaken to benefit a basin, pursuant to a~~
3 ~~groundwater sustainability plan.~~

4 ~~(m) “Local agency” means a local public agency that has water~~
5 ~~supply, water management, or land use responsibilities within a~~
6 ~~groundwater basin.~~

7 ~~(n) “Operator” means a person operating a groundwater~~
8 ~~extraction facility. The owner of a groundwater extraction facility~~
9 ~~shall be conclusively presumed to be the operator unless a~~
10 ~~satisfactory showing is made to the governing body of the~~
11 ~~groundwater sustainability agency that the groundwater extraction~~
12 ~~facility actually is operated by some other person.~~

13 ~~(o) “Owner” means a person owning a groundwater extraction~~
14 ~~facility or an interest in a groundwater extraction facility other~~
15 ~~than a lien to secure the payment of a debt or other obligation.~~

16 ~~(p) “Planning and implementation horizon” means a 50-year~~
17 ~~time period over which a groundwater sustainability agency~~
18 ~~determines that plans and measures will be implemented in a basin~~
19 ~~to ensure that the basin is operated within its sustainable yield.~~

20 ~~(q) “Public water system” has the same meaning as defined in~~
21 ~~Section 116275 of the Health and Safety Code.~~

22 ~~(r) “Recharge area” means the area that supplies water to an~~
23 ~~aquifer in a groundwater basin.~~

24 ~~(s) “Sustainability goal” means the existence and implementation~~
25 ~~of one or more groundwater sustainability plans that achieve~~
26 ~~sustainable groundwater management by identifying and causing~~
27 ~~the implementation of measures targeted to ensure that the~~
28 ~~applicable basin is operated within its sustainable yield.~~

29 ~~(t) “Sustainable groundwater management” means the~~
30 ~~management and use of groundwater in a manner that can be~~
31 ~~maintained during the planning and implementation horizon~~
32 ~~without causing undesirable results.~~

33 ~~(u) “Sustainable yield” means the maximum quantity of water,~~
34 ~~calculated over a base period representative of long-term conditions~~
35 ~~in the basin and including any temporary surplus, that can be~~
36 ~~withdrawn annually from a groundwater supply without causing~~
37 ~~an undesirable result.~~

38 ~~(v) “Undesirable result” means one or more of the following~~
39 ~~effects caused by groundwater conditions occurring throughout~~
40 ~~the basin.~~

1 ~~(1) Chronic lowering of groundwater levels indicating a~~
2 ~~significant and unreasonable depletion of supply if continued over~~
3 ~~the planning and implementation horizon. Overdraft during a period~~
4 ~~of drought is not sufficient to establish a chronic lowering of~~
5 ~~groundwater levels if extractions and recharge are managed as~~
6 ~~necessary to ensure that reductions in groundwater levels or storage~~
7 ~~during a period of drought are offset by increases in groundwater~~
8 ~~levels or storage during other periods.~~

9 ~~(2) Significant and unreasonable reduction of groundwater~~
10 ~~storage.~~

11 ~~(3) Significant seawater intrusion.~~

12 ~~(4) Significant and unreasonable degraded water quality,~~
13 ~~including the migration of contaminant plumes that impair water~~
14 ~~supplies.~~

15 ~~(5) Significant land subsidence that substantially interferes with~~
16 ~~surface land uses.~~

17 ~~(6) Surface water depletions that have significant adverse~~
18 ~~impacts on beneficial uses.~~

19 ~~(w) “Water budget” means an accounting of the total~~
20 ~~groundwater and surface water entering and leaving a basin~~
21 ~~including the changes in the amount of water stored.~~

22 ~~(x) “Watermaster” means a watermaster appointed by a court~~
23 ~~or pursuant to other law.~~

24 ~~(y) “Water year” means the period from October 1 through the~~
25 ~~following September 30, inclusive.~~

26 ~~(z) “Wellhead protection area” means the surface and subsurface~~
27 ~~area surrounding a water well or well field that supplies a public~~
28 ~~water system through which contaminants are reasonably likely~~
29 ~~to migrate toward the water well or well field.~~

30
31 ~~CHAPTER 3. BASIN BOUNDARIES~~
32

33 ~~10722. Unless other basin boundaries are established pursuant~~
34 ~~to this chapter, a basin’s boundaries shall be as identified in~~
35 ~~Bulletin 118.~~

36 ~~10722.2. (a) A local agency may request that the department~~
37 ~~revise the boundaries of a basin, including the establishment of~~
38 ~~new subbasins. A local agency’s request shall be supported by the~~
39 ~~following information:~~

1 (1) Information demonstrating that the proposed adjusted basin
2 can be the subject of sustainable groundwater management.

3 (2) Technical information regarding the boundaries of, and
4 conditions in, the proposed adjusted basin.

5 (3) Information demonstrating that the entity proposing the
6 basin boundary adjustment consulted with interested local agencies
7 and public water systems in the affected basins before filing the
8 proposal with the department.

9 (4) Other information the department deems necessary to justify
10 revision of the basin's boundary.

11 (b) By January 1, 2016, the department shall develop and publish
12 guidelines regarding the information required to comply with
13 subdivision (a). The guidelines required pursuant to this subdivision
14 are exempt from Chapter 3.5 (commencing with Section 11340)
15 of Part 1 of Division 3 of Title 2 of the Government Code.

16 (c) The department shall provide a copy of its draft revision of
17 a basin's boundaries to the California Water Commission. The
18 California Water Commission shall hear and comment on the draft
19 revision within 60 days after the department provides the draft
20 revision to the commission.

21 10722.4. (a) Pursuant to Section 10933, for the purposes of
22 this part the department shall categorize each basin as one of the
23 following priorities:

24 (1) High priority.

25 (2) Medium priority.

26 (3) Low priority.

27 (4) Very low priority.

28 (b) The initial priority for each basin shall be established by the
29 department pursuant to Section 10933 no later than January 1,
30 2017.

31 (c) Anytime the department updates Bulletin 118 boundaries
32 pursuant to subdivision (b) of Section 12924, the department shall
33 reassess the prioritization pursuant to Section 10933.

34 (d) Anytime the department changes the basin priorities pursuant
35 to Section 10933, if a basin is elevated to a medium or high priority
36 basin after January 1, 2015, a local agency shall have two years
37 from the date of reprioritization to establish a groundwater
38 sustainability agency pursuant to Chapter 4 (commencing with
39 Section 10723) and five years from the date of reprioritization to

1 ~~adopt a groundwater sustainability plan pursuant to Chapter 6~~
2 ~~(commencing with Section 10727).~~

3
4 ~~CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY~~
5 ~~AGENCIES~~
6

7 ~~10723. (a) Any local agency or combination of local agencies~~
8 ~~may elect to be a groundwater sustainability agency.~~

9 ~~(b) Before electing to be a groundwater sustainability agency,~~
10 ~~and after publication of notice pursuant to Section 6066 of the~~
11 ~~Government Code, the local agency or agencies shall hold a public~~
12 ~~hearing in the county or counties overlying the basin.~~

13 ~~10723.2. The groundwater sustainability agency shall consider~~
14 ~~the interests of all beneficial uses and users of groundwater, as~~
15 ~~well as those responsible for implementing groundwater~~
16 ~~sustainability plans. These interests include, but are not limited to,~~
17 ~~all of the following:~~

- 18 ~~(a) Holders of overlying groundwater rights, including:~~
19 ~~(1) Agricultural users.~~
20 ~~(2) Domestic well owners.~~
21 ~~(b) Municipal well operators.~~
22 ~~(c) Public water systems.~~
23 ~~(d) Local land use planning agencies.~~
24 ~~(e) Environmental users of groundwater.~~
25 ~~(f) Surface water users, if there is a hydrologic connection~~
26 ~~between surface and groundwater bodies.~~
27 ~~(g) The federal government, including, but not limited to, the~~
28 ~~military and managers of federal lands.~~
29 ~~(h) California Native American tribes.~~

30 ~~10723.4. The groundwater sustainability agency shall establish~~
31 ~~and maintain a list of persons interested in receiving notices~~
32 ~~regarding plan preparation, meeting announcements, and~~
33 ~~availability of draft plans, maps, and other relevant documents.~~
34 ~~Any person may request, in writing, to be placed on the list of~~
35 ~~interested persons.~~

36 ~~10723.6. A combination of local agencies may form a~~
37 ~~groundwater sustainability agency by using any of the following~~
38 ~~methods:~~

- 39 ~~(a) A joint powers agreement.~~
40 ~~(b) A memorandum of agreement or other legal agreement.~~

~~10723.8. Within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency shall inform the department of its election or formation and its intent to undertake sustainable groundwater management. The notification shall include the following information, as applicable:~~

~~(a) The service area boundaries, the basin the agency is managing, and the other groundwater sustainability agencies operating within the basin.~~

~~(b) A copy of the resolution forming the new agency.~~

~~(c) A copy of the bylaws, ordinances, and new authorities.~~

~~10724. (a) In the event that there is an area within a basin that is not within the management area of a groundwater sustainability agency, the county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area.~~

~~(b) A county described in subdivision (a) shall provide notification to the department pursuant to Section 10723.8 unless the county notifies the department that it will not be the groundwater sustainability agency for the area. Extractions of groundwater made on or after January 1, 2017, in that area shall be subject to reporting in accordance with Part 5.2 (commencing with Section 5200) of Division 2 if the county does either of the following:~~

~~(1) Notifies the department that it will not be the groundwater sustainability agency for an area.~~

~~(2) Fails to provide notification to the department pursuant to Section 10723.8 for an area on or before January 1, 2017.~~

~~CHAPTER 5. POWERS AND AUTHORITIES~~

~~10725. (a) A groundwater sustainability agency may exercise any of the powers described in this chapter in implementing this part, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the department a groundwater sustainability plan or prescribed alternative documentation in accordance with Section 10733.6.~~

~~(b) A groundwater sustainability agency has and may use the powers in this chapter to provide the maximum degree of local~~

1 control and flexibility consistent with the sustainability goals of
2 this part.

3 10725.2. (a) A groundwater sustainability agency may perform
4 any act necessary or proper to carry out the purposes of this part.

5 (b) A groundwater sustainability agency may adopt rules,
6 regulations, ordinances, and resolutions for the purpose of this
7 part, in compliance with any procedural requirements applicable
8 to the adoption of a rule, regulation, ordinance, or resolution by
9 the groundwater sustainability agency.

10 (c) In addition to any other applicable procedural requirements,
11 the groundwater sustainability agency shall provide notice of the
12 proposed adoption of the groundwater sustainability plan on its
13 Internet Web site and provide for electronic notice to any person
14 who requests electronic notification.

15 10725.4. (a) A groundwater sustainability agency may conduct
16 an investigation for the purposes of this part, including, but not
17 limited to, investigations for the following:

18 (1) To determine the need for groundwater management.

19 (2) To prepare and adopt a groundwater sustainability plan and
20 implementing rules and regulations.

21 (3) To propose and update fees.

22 (4) To monitor compliance and enforcement.

23 (b) An investigation may include surface waters and surface
24 water rights as well as groundwater and groundwater rights.

25 (c) In connection with an investigation, a groundwater
26 sustainability agency may inspect the property or facilities of a
27 person or entity to ascertain whether the purposes of this part are
28 being met and compliance with this part. The local agency may
29 conduct an inspection pursuant to this section upon obtaining any
30 necessary consent or obtaining an inspection warrant pursuant to
31 the procedure set forth in Title 13 (commencing with Section
32 1822.50) of Part 3 of the Code of Civil Procedure.

33 10725.6. A groundwater sustainability agency may require
34 registration of a groundwater extraction facility within the
35 management area of the groundwater sustainability agency.

36 10725.8. (a) A groundwater sustainability agency may require
37 through its groundwater sustainability plan that the use of every
38 groundwater extraction facility within the management area of the
39 groundwater sustainability agency be measured by a

~~water-measuring device satisfactory to the groundwater sustainability agency.~~

~~(b) All costs associated with the purchase and installation of the water-measuring device shall be borne by the owner or operator of each groundwater extraction facility. The water measuring devices shall be installed by the groundwater sustainability agency or, at the groundwater sustainability agency's option, by the owner or operator of the groundwater extraction facility. Water-measuring devices shall be calibrated on a reasonable schedule as may be determined by the groundwater sustainability agency.~~

~~(c) A groundwater sustainability agency may require, through its groundwater sustainability plan, that the owner or operator of a groundwater extraction facility within the groundwater sustainability agency file an annual statement with the groundwater sustainability agency setting forth the total extraction in acre-feet of groundwater from the facility during the previous water year.~~

~~(d) In addition to the measurement of groundwater extractions pursuant to subdivision (a), a groundwater sustainability agency may use any other reasonable method to determine groundwater extraction.~~

~~(e) This section does not apply to de minimis extractors.~~

~~10726. An entity within the area of a groundwater sustainability plan shall only divert surface water to underground storage consistent with the plan and shall report the diversion to underground storage to the groundwater sustainability agency for the relevant portion of the basin.~~

~~10726.2. A groundwater sustainability agency may do the following:~~

~~(a) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose of, real and personal property of every kind, including lands, water rights, structures, buildings, rights-of-way, easements, and privileges, and construct, maintain, alter, and operate any and all works or improvements, within or outside the agency, necessary or proper to carry out any of the purposes of this part.~~

~~(b) Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part, including, but not limited~~

1 to, the spreading, storing, retaining, or percolating into the soil of
2 the waters for subsequent use or in a manner consistent with the
3 provisions of Section 10727.2. As part of this authority, the agency
4 may validate an existing groundwater conjunctive use or storage
5 program upon a finding that the program would aid or assist the
6 agency in developing or implementing a groundwater sustainability
7 plan.

8 ~~(c) Provide for a program of voluntary fallowing of agricultural~~
9 ~~lands or validate an existing program.~~

10 ~~(d) Perform any acts necessary or proper to enable the agency~~
11 ~~to purchase, transfer, deliver, or exchange water or water rights of~~
12 ~~any type with any person that may be necessary or proper to carry~~
13 ~~out any of the purposes of this part, including, but not limited to,~~
14 ~~providing surface water in exchange for a groundwater extractor's~~
15 ~~agreement to reduce or cease groundwater extractions. The agency~~
16 ~~shall not deliver retail water supplies within the service area of a~~
17 ~~public water system without either the consent of that system or~~
18 ~~authority under the agency's existing authorities.~~

19 ~~(e) Transport, reclaim, purify, desalinate, treat, or otherwise~~
20 ~~manage and control polluted water, wastewater, or other waters~~
21 ~~for subsequent use in a manner that is necessary or proper to carry~~
22 ~~out the purposes of this part.~~

23 ~~(f) Commence, maintain, intervene in, defend, compromise,~~
24 ~~and assume the cost and expenses of any and all actions and~~
25 ~~proceedings.~~

26 ~~10726.4. (a) A groundwater sustainability agency shall have~~
27 ~~the following additional authority and may regulate groundwater~~
28 ~~extraction using that authority:~~

29 ~~(1) To impose spacing requirements on new groundwater well~~
30 ~~construction to minimize well interference and impose reasonable~~
31 ~~operating regulations on existing groundwater wells to minimize~~
32 ~~well interference, including requiring extractors to operate on a~~
33 ~~rotation basis.~~

34 ~~(2) To control groundwater extractions by regulating, limiting,~~
35 ~~or suspending extractions from individual groundwater wells or~~
36 ~~extractions from groundwater wells in the aggregate, construction~~
37 ~~of new groundwater wells, enlargement of existing groundwater~~
38 ~~wells, or reactivation of abandoned groundwater wells, or otherwise~~
39 ~~establishing groundwater extraction allocations. A limitation on~~
40 ~~extractions by a groundwater sustainability agency shall not be~~

1 ~~construed to be a final determination of rights to extract~~
2 ~~groundwater from the basin or any portion of the basin.~~

3 ~~(3) To authorize temporary and permanent transfers of~~
4 ~~groundwater extraction allocations within the agency's boundaries,~~
5 ~~if the total quantity of groundwater extracted in any water year is~~
6 ~~consistent with the provisions of the groundwater sustainability~~
7 ~~plan.~~

8 ~~(4) To establish accounting rules to allow unused groundwater~~
9 ~~extraction allocations issued by the agency to be carried over from~~
10 ~~one year to another and voluntarily transferred, if the total quantity~~
11 ~~of groundwater extracted in any five-year period is consistent with~~
12 ~~the provisions of the groundwater sustainability plan.~~

13 ~~(b) This section does not authorize a groundwater sustainability~~
14 ~~agency to issue permits for the construction, modification, or~~
15 ~~abandonment of groundwater wells, except as authorized by a~~
16 ~~county with authority to issue those permits.~~

17 ~~10726.6. (a) A groundwater sustainability agency that adopts~~
18 ~~a groundwater sustainability plan may file an action to determine~~
19 ~~the validity of the plan pursuant to Chapter 9 (commencing with~~
20 ~~Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

21 ~~(b) Subject to Sections 394 and 397 of the Code of Civil~~
22 ~~Procedure, the venue for an action pursuant to this section shall~~
23 ~~be the county in which the principal office of the groundwater~~
24 ~~management agency is located.~~

25 ~~(c) Any judicial action or proceeding to attack, review, set aside,~~
26 ~~void, or annul the ordinance or resolution imposing a new, or~~
27 ~~increasing an existing, fee imposed pursuant to Section 10730,~~
28 ~~10730.2, or 10730.4 shall be brought pursuant to Section 66022~~
29 ~~of the Government Code.~~

30 ~~(d) Any person may pay a fee imposed pursuant to Section~~
31 ~~10730, 10730.2, or 10730.4 under protest and bring an action~~
32 ~~against the governing body in the superior court to recover any~~
33 ~~money that the governing body refuses to refund. Payments made~~
34 ~~and actions brought under this section shall be made and brought~~
35 ~~in the manner provided for the payment of taxes under protest and~~
36 ~~actions for refund of that payment in Article 2 (commencing with~~
37 ~~Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue~~
38 ~~and Taxation Code, as applicable.~~

1 ~~(e) Except as otherwise provided in this section, actions by a~~
2 ~~groundwater sustainability agency are subject to judicial review~~
3 ~~pursuant to Section 1085 of the Code of Civil Procedure.~~

4 ~~10726.8. (a) This part is in addition to, and not a limitation~~
5 ~~on, the authority granted to a local agency under any other law.~~
6 ~~The local agency may use the local agency's authority under any~~
7 ~~other law to apply and enforce any requirements of this part,~~
8 ~~including, but not limited to, the collection of fees.~~

9 ~~(b) Nothing in this part is a limitation on the authority of the~~
10 ~~board, the department, or the State Department of Public Health.~~

11 ~~(c) This part does not authorize a local agency to impose any~~
12 ~~requirement or impose any penalty or fee on the state or any~~
13 ~~agency, department, or officer of the state. State agencies and~~
14 ~~departments shall work cooperatively with a local agency on a~~
15 ~~voluntary basis.~~

16
17 ~~CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS~~
18

19 ~~10727. (a) A groundwater sustainability plan shall be~~
20 ~~developed and implemented for each medium- or high-priority~~
21 ~~basin by a groundwater sustainability agency to meet the~~
22 ~~sustainability goal established pursuant to this part. The~~
23 ~~groundwater sustainability plan may incorporate, extend, or be~~
24 ~~based on a plan adopted pursuant to Part 2.75 (commencing with~~
25 ~~Section 10750).~~

26 ~~(b) A groundwater sustainability plan may be any of the~~
27 ~~following:~~

28 ~~(1) A single plan covering the entire basin developed and~~
29 ~~implemented by one groundwater sustainability agency.~~

30 ~~(2) A single plan covering the entire basin developed and~~
31 ~~implemented by multiple groundwater sustainability agencies.~~

32 ~~(3) Subject to Section 10727.6, multiple plans implemented by~~
33 ~~multiple groundwater sustainability agencies and coordinated~~
34 ~~pursuant to a single coordination agreement that covers the entire~~
35 ~~basin.~~

36 ~~10727.2. A groundwater sustainability plan shall include all~~
37 ~~of the following:~~

38 ~~(a) A description of the physical setting and characteristics of~~
39 ~~the aquifer system underlying the basin that includes the following:~~

40 ~~(1) Historical data, to the extent available.~~

1 ~~(2) Groundwater levels, groundwater quality, subsidence, and~~
2 ~~groundwater-surface water interaction.~~

3 ~~(3) A general discussion of historical and projected water~~
4 ~~demands and supplies.~~

5 ~~(4) A map that details the area of the basin and the boundaries~~
6 ~~of the groundwater sustainability agencies that overlie the basin~~
7 ~~that have or are developing groundwater sustainability plans.~~

8 ~~(5) A map identifying existing and potential recharge areas for~~
9 ~~the basin. The map or maps shall identify the existing recharge~~
10 ~~areas that substantially contribute to the replenishment of the~~
11 ~~groundwater basin. The map or maps shall be provided to the~~
12 ~~appropriate local planning agencies after adoption of the~~
13 ~~groundwater sustainability plan.~~

14 ~~(b) (1) Measurable objectives, as well as interim milestones in~~
15 ~~increments of five years, to achieve the sustainability goal in the~~
16 ~~basin within 20 years of the implementation of the plan.~~

17 ~~(2) A description of how the plan helps meet each objective and~~
18 ~~how each objective is intended to achieve the sustainability goal~~
19 ~~for the basin for long-term beneficial uses of groundwater.~~

20 ~~(3) (A) Notwithstanding paragraph (1), at the request of the~~
21 ~~groundwater sustainability agency, the department may grant an~~
22 ~~extension of up to 5 years beyond the 20-year sustainability~~
23 ~~timeframe upon a showing of good cause. The department may~~
24 ~~grant a second extension of up to five years upon a showing of~~
25 ~~good cause if the groundwater sustainability agency has begun~~
26 ~~implementation of the work plan described in clause (iii) of~~
27 ~~subparagraph (B).~~

28 ~~(B) The department may grant an extension pursuant to this~~
29 ~~paragraph if the groundwater sustainability agency does all of the~~
30 ~~following:~~

31 ~~(i) Demonstrates a need for an extension.~~

32 ~~(ii) Has made progress toward meeting the sustainability goal~~
33 ~~as demonstrated by its progress at achieving the milestones~~
34 ~~identified in its groundwater sustainability plan.~~

35 ~~(iii) Adopts a feasible work plan for meeting the sustainability~~
36 ~~goal during the extension period.~~

37 ~~(4) The plan may, but is not required to, address undesirable~~
38 ~~results that occurred before, and have not been corrected by,~~
39 ~~January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,~~
40 ~~a groundwater sustainability agency has discretion as to whether~~

1 to set measurable objectives and the timeframes for achieving any
2 objectives for undesirable results that occurred before, and have
3 not been corrected by, January 1, 2015.

4 (e) A planning and implementation horizon.

5 (d) Components relating to the following, as applicable to the
6 basin:

7 (1) The monitoring and management of groundwater levels
8 within the basin.

9 (2) The monitoring and management of groundwater quality,
10 groundwater quality degradation, inelastic land surface subsidence,
11 and changes in surface flow and surface water quality that directly
12 affect groundwater levels or quality or are caused by groundwater
13 extraction in the basin.

14 (3) Mitigation of overdraft.

15 (4) How recharge areas identified in the plan substantially
16 contribute to the replenishment of the basin.

17 (e) A summary of the type of monitoring sites, type of
18 measurements, and the frequency of monitoring for each location
19 monitoring groundwater levels, groundwater quality, subsidence,
20 streamflow, precipitation, evaporation, and tidal influence. The
21 plan shall include a summary of monitoring information such as
22 well depth, screened intervals, and aquifer zones monitored, and
23 a summary of the type of well relied on for the information,
24 including public, irrigation, domestic, industrial, and monitoring
25 wells.

26 (f) Monitoring protocols that are designed to detect changes in
27 groundwater levels, groundwater quality, inelastic surface
28 subsidence for basins for which subsidence has been identified as
29 a potential problem, and flow and quality of surface water that
30 directly affect groundwater levels or quality or are caused by
31 groundwater extraction in the basin. The monitoring protocols
32 shall be designed to generate information that promotes efficient
33 and effective groundwater management.

34 (g) A description of the various adopted water resources-related
35 plans and programs within the basin and an assessment of how the
36 groundwater sustainability plan may affect those plans.

37 10727.4. In addition to the requirements of Section 10727.2,
38 a groundwater sustainability plan shall include, where appropriate
39 and in collaboration with the appropriate local agencies, all of the
40 following:

- 1 ~~(a) Control of saline water intrusion.~~
- 2 ~~(b) Wellhead protection areas and recharge areas.~~
- 3 ~~(c) Migration of contaminated groundwater.~~
- 4 ~~(d) A well abandonment and well destruction program.~~
- 5 ~~(e) Replenishment of groundwater extractions.~~
- 6 ~~(f) Activities implementing, opportunities for, and impediments~~
- 7 ~~to, conjunctive use.~~
- 8 ~~(g) Well construction policies.~~
- 9 ~~(h) Measures addressing groundwater contamination cleanup,~~
- 10 ~~recharge, diversions to storage, conservation, water recycling,~~
- 11 ~~conveyance, and extraction projects.~~
- 12 ~~(i) Efficient water management practices, as defined in Section~~
- 13 ~~10902, for the delivery of water and water conservation methods~~
- 14 ~~to improve the efficiency of water use.~~
- 15 ~~(j) Efforts to develop relationships with state and federal~~
- 16 ~~regulatory agencies.~~
- 17 ~~(k) Processes to review land use plans and efforts to coordinate~~
- 18 ~~with land use planning agencies to assess activities that potentially~~
- 19 ~~create risks to groundwater quality or quantity.~~
- 20 ~~(l) Impacts on groundwater dependent ecosystems.~~
- 21 ~~10727.6. Groundwater sustainability agencies intending to~~
- 22 ~~develop and implement multiple groundwater sustainability plans~~
- 23 ~~pursuant to paragraph (3) of subdivision (b) of Section 10727 shall~~
- 24 ~~coordinate with other agencies preparing a groundwater~~
- 25 ~~sustainability plan within the basin to ensure that the plans utilize~~
- 26 ~~the same data and methodologies for the following assumptions~~
- 27 ~~in developing the plan:~~
- 28 ~~(a) Groundwater elevation data.~~
- 29 ~~(b) Groundwater extraction data.~~
- 30 ~~(c) Surface water supply.~~
- 31 ~~(d) Total water use.~~
- 32 ~~(e) Change in groundwater storage.~~
- 33 ~~(f) Water budget.~~
- 34 ~~(g) Sustainable yield.~~
- 35 ~~10727.8. Prior to initiating the development of a groundwater~~
- 36 ~~sustainability plan, the groundwater sustainability agency shall~~
- 37 ~~make available to the public and the department a written statement~~
- 38 ~~describing the manner in which interested parties may participate~~
- 39 ~~in the development and implementation of the groundwater~~
- 40 ~~sustainability plan. The groundwater sustainability agency shall~~

1 provide the written statement to the legislative body of any city,
2 county, or city and county located within the geographic area to
3 be covered by the plan. The groundwater sustainability agency
4 may appoint and consult with an advisory committee consisting
5 of interested parties for the purposes of developing and
6 implementing a groundwater sustainability plan. The groundwater
7 sustainability agency shall encourage the active involvement of
8 diverse social, cultural, and economic elements of the population
9 within the groundwater basin prior to and during the development
10 and implementation of the groundwater sustainability plan.

11 10728. On the January 1 following the adoption of a
12 groundwater sustainability plan and annually on each January 1
13 thereafter, a groundwater sustainability agency shall submit a report
14 to the department containing the following information about the
15 basin managed in the groundwater sustainability plan:

- 16 (a) Groundwater elevation data.
- 17 (b) Annual aggregated data identifying groundwater extraction
18 for the preceding water year.
- 19 (c) Surface water supply used for or available for use for
20 groundwater recharge or in-lieu use.
- 21 (d) Total water use.
- 22 (e) Change in groundwater storage.

23 10728.2. A groundwater sustainability agency shall periodically
24 evaluate its groundwater sustainability plan, assess changing
25 conditions in the basin that may warrant modification of the plan
26 or management objectives, and may adjust components in the plan.
27 An evaluation of the plan shall focus on determining whether the
28 actions under the plan are meeting the plan's management
29 objectives and whether those objectives are meeting the
30 sustainability goal in the basin.

31 10728.4. A groundwater sustainability agency may adopt or
32 amend a groundwater sustainability plan after a public hearing,
33 held at least 90 days after providing notice to a city or county
34 within the area of the proposed plan or amendment. The
35 groundwater sustainability agency shall obtain comments from
36 any city or county that receives notice pursuant to this section and
37 shall consult with a city or county that requests consultation within
38 30 days of receipt of the notice. Nothing in this section is intended
39 to preclude an agency and a city or county from otherwise

1 consulting or commenting regarding the adoption or amendment
2 of a plan:

3 ~~10728.6. Division 13 (commencing with Section 21000) of the~~
4 ~~Public Resources Code does not apply to the preparation and~~
5 ~~adoption of plans pursuant to this chapter. Nothing in this part~~
6 ~~shall be interpreted as exempting from Division 13 (commencing~~
7 ~~with Section 21000) of the Public Resources Code a project that~~
8 ~~would implement actions taken pursuant to a plan adopted pursuant~~
9 ~~to this chapter or a project that would significantly affect water~~
10 ~~supplies for fish and wildlife.~~

11 *SEC. 11. Chapter 7 (commencing with Section 10729) is added*
12 *to Part 2.74 of Division 6 of the Water Code, to read:*

13
14 CHAPTER 7. TECHNICAL ASSISTANCE

15
16 10729. (a) The department or a groundwater sustainability
17 agency may provide technical assistance to entities that extract or
18 use groundwater to promote water conservation and protect
19 groundwater resources.

20 (b) The department may provide technical assistance to any
21 groundwater sustainability agency in response to that agency's
22 request for assistance in the development and implementation of
23 a groundwater sustainability plan. The department shall use its
24 best efforts to provide the requested assistance.

25 (c) (1) By January 1, 2017, the department shall publish on its
26 Internet Web site best management practices for the sustainable
27 management of groundwater.

28 (2) The department shall develop the best management practices
29 through a public process involving one public meeting conducted
30 at a location in northern California, one public meeting conducted
31 at a location in the San Joaquin Valley, one public meeting
32 conducted at a location in southern California, and one public
33 meeting of the California Water Commission.

34 *SEC. 12. Chapter 8 (commencing with Section 10730) is added*
35 *to Part 2.74 of Division 6 of the Water Code, to read:*

36
37 CHAPTER 8. FINANCIAL AUTHORITY

38
39 10730. (a) A groundwater sustainability agency may impose
40 fees, including, but not limited to, permit fees and fees on

1 groundwater extraction or other regulated activity, to fund the costs
2 of a groundwater sustainability program, including, but not limited
3 to, preparation, adoption, and amendment of a groundwater
4 sustainability plan, and investigations, inspections, compliance
5 assistance, enforcement, and program administration, including a
6 prudent reserve. A groundwater sustainability agency shall not
7 impose a fee pursuant to this subdivision on a de minimis extractor
8 unless the agency has regulated the users pursuant to this part.

9 (b) (1) Prior to imposing or increasing a fee, a groundwater
10 sustainability agency shall hold at least one public meeting, at
11 which oral or written presentations may be made as part of the
12 meeting.

13 (2) Notice of the time and place of the meeting shall include a
14 general explanation of the matter to be considered and a statement
15 that the data required by this section is available. The notice shall
16 be provided by publication pursuant to Section 6066 of the
17 Government Code, by posting notice on the Internet Web site of
18 the groundwater sustainability agency, and by mail to any interested
19 party who files a written request with the agency for mailed notice
20 of the meeting on new or increased fees. A written request for
21 mailed notices shall be valid for one year from the date that the
22 request is made and may be renewed by making a written request
23 on or before April 1 of each year.

24 (3) At least 10 days prior to the meeting, the groundwater
25 sustainability agency shall make available to the public data upon
26 which the proposed fee is based.

27 (c) Any action by a groundwater sustainability agency to impose
28 or increase a fee shall be taken only by ordinance or resolution.

29 (d) (1) As an alternative method for the collection of fees
30 imposed pursuant to this section, a groundwater sustainability
31 agency may adopt a resolution requesting collection of the fees in
32 the same manner as ordinary municipal ad valorem taxes.

33 (2) A resolution described in paragraph (1) shall be adopted and
34 furnished to the county auditor-controller and board of supervisors
35 on or before August 1 of each year that the alternative collection
36 of the fees is being requested. The resolution shall include a list
37 of parcels and the amount to be ~~collect~~ *collected* for each parcel.

38 (e) The power granted by this section is in addition to any
39 powers a groundwater sustainability agency has under any other
40 law.

10730.2. (a) A groundwater sustainability agency that adopts a groundwater sustainability plan pursuant to this part may impose fees on the extraction of groundwater from the basin to fund costs of groundwater management, including, but not limited to, the costs of the following:

(1) Administration, operation, and maintenance, including a prudent reserve.

(2) Acquisition of lands or other property, facilities, and services.

(3) Supply, production, treatment, or distribution of water.

(4) Other activities necessary or convenient to implement the plan.

(b) Until a groundwater sustainability plan is adopted pursuant to this part, a local agency may impose fees in accordance with the procedures provided in this section for the purposes of Part 2.75 (commencing with Section 10750) as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.

(c) Fees imposed pursuant to this section shall be adopted in accordance with subdivisions (a) and (b) of Section 6 of Article XIII D of the California Constitution.

(d) Fees imposed pursuant to this section may include fixed fees and fees charged on a volumetric basis, including, but not limited to, fees that increase based on the quantity of groundwater produced annually, the year in which the production of groundwater commenced from a groundwater extraction facility, and impacts to the basin.

(e) The power granted by this section is in addition to any powers a groundwater sustainability agency has under any other law.

10730.4. A groundwater sustainability agency may fund activities pursuant to Part 2.75 (commencing with Section 10750) and may impose fees pursuant to Section 10730.2 to fund activities undertaken by the agency pursuant to Part 2.75 (commencing with Section 10750).

10730.6. (a) A groundwater fee levied pursuant to this chapter shall be due and payable to the groundwater sustainability agency by each owner or operator on a day established by the groundwater sustainability agency.

(b) If an owner or operator knowingly fails to pay a groundwater fee within 30 days of it becoming due, the owner or operator shall

1 be liable to the groundwater sustainability agency for interest at
2 the rate of 1 percent per month on the delinquent amount of the
3 groundwater fee and a 10-percent penalty.

4 (c) The groundwater sustainability agency may bring a suit in
5 the court having jurisdiction against any owner or operator of a
6 groundwater extraction facility within the area covered by the plan
7 for the collection of any delinquent groundwater fees, interest, or
8 penalties imposed under this chapter. If the groundwater
9 sustainability agency seeks an attachment against the property of
10 any named defendant in the suit, the groundwater sustainability
11 agency shall not be required to furnish a bond or other undertaking
12 as provided in Title 6.5 (commencing with Section 481.010) of
13 Part 2 of the Code of Civil Procedure.

14 (d) In the alternative to bringing a suit pursuant to subdivision
15 (c), a groundwater sustainability agency may collect any delinquent
16 groundwater charge and any civil penalties and interest on the
17 delinquent groundwater charge pursuant to the laws applicable to
18 the local agency or, if a joint powers authority, to the entity
19 designated pursuant to Section 6509 of the Government Code. The
20 collection shall be in the same manner as it would be applicable
21 to the collection of delinquent assessments, water charges, or tolls.

22 (e) As an additional remedy, a groundwater sustainability
23 agency, after a public hearing, may order an owner or operator to
24 cease extraction of groundwater until all delinquent fees are paid.
25 The groundwater sustainability agency shall give notice to the
26 owner or operator by certified mail not less than 15 days in advance
27 of the public hearing.

28 (f) The remedies specified in this section for collecting and
29 enforcing fees are cumulative and may be pursued alternatively
30 or may be used consecutively as determined by the governing
31 body.

32 10730.8. (a) Nothing in this chapter shall affect or interfere
33 with the authority of a groundwater sustainability agency to levy
34 and collect taxes, assessments, charges, and tolls as otherwise
35 provided by law.

36 ~~(b) For the purposes of Section 6254.16 of the Government~~
37 ~~Code, persons~~ *Persons* subject to payment of fees pursuant to this
38 chapter ~~are utility customers of a groundwater sustainability agency~~
39 *have the same protection from disclosure as is provided for*

1 *information concerning utility customers of local agencies pursuant*
2 *to Section 6254.16 of the Government Code.*

3 10731. (a) Following an investigation pursuant to Section
4 10725.4, the governing body may make a determination fixing the
5 amount of groundwater production from the groundwater extraction
6 facility at an amount not to exceed the maximum production
7 capacity of the facility for purposes of levying a groundwater
8 charge. If a water-measuring device is permanently attached to the
9 groundwater extraction facility, the record of production as
10 disclosed by the water-measuring device shall be presumed to be
11 accurate unless the contrary is established by the groundwater
12 sustainability agency after investigation.

13 (b) After the governing body makes a determination fixing the
14 amount of groundwater production pursuant to subdivision (a), a
15 written notice of the determination shall be mailed to the owner
16 or operator of the groundwater extraction facility at the address as
17 shown by the groundwater sustainability agency's records. A
18 determination made by the governing body shall be conclusive on
19 the owner or operator and the groundwater charges, based on the
20 determination together with any interest and penalties, shall be
21 payable immediately unless within 20 days after the mailing of
22 the notice the owner or operator files with the governing body a
23 written protest setting forth the ground for protesting the amount
24 of production or the groundwater charges, interest, and penalties.
25 If a protest is filed pursuant to this subdivision, the governing body
26 shall hold a hearing to determine the total amount of the
27 groundwater production and the groundwater charges, interest,
28 and penalties. Notice of the hearing shall be mailed to each
29 protestant at least 20 days before the date fixed for the hearing.
30 Notice of the determination of the governing body hearing shall
31 be mailed to each protestant. The owner or operator shall have 20
32 days from the date of mailing of the determination to pay the
33 groundwater charges, interest, and penalties determined by the
34 governing body.

35 *SEC. 13. Chapter 9 (commencing with Section 10732) is added*
36 *to Part 2.74 of Division 6 of the Water Code, to read:*

CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY
ENFORCEMENT POWERS

10732. (a) (1) A person who extracts groundwater in excess of the amount that person is authorized to extract under a rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2, shall be subject to a civil penalty not to exceed five hundred dollars (\$500) per acre-foot extracted in excess of the amount that person is authorized to extract. Liability under this subdivision is in addition to any liability imposed under paragraph (2) and any fee imposed for the extraction.

(2) A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2 shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) plus one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to comply within 30 days after the local agency has notified the person of the violation.

(b) (1) A groundwater sustainability agency may bring an action in the superior court to determine whether a violation occurred and to impose a civil penalty described in subdivision (a).

(2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.

(3) In determining the amount of the penalty, the superior court or the groundwater sustainability agency shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(c) A penalty imposed pursuant to this section shall be paid to the groundwater sustainability agency and shall be expended solely for purposes of this part.

(d) Penalties imposed pursuant to this section are in addition to any civil penalty or criminal fine under any other law.

SEC. 14. Chapter 10 (commencing with Section 10733) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 10. STATE EVALUATION AND ASSESSMENT

10733. (a) The department shall periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to this part to evaluate whether a plan conforms with Sections 10727.2 and 10727.4 and is likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plan.

(b) If a groundwater sustainability agency develops multiple groundwater sustainability plans for a basin, the department shall evaluate whether the plans conform with Sections 10727.2, 10727.4, and 10727.6 and are together likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plans.

(c) *The department shall evaluate whether a groundwater sustainability plan adversely affects the ability of an adjacent basin to implement their groundwater sustainability plan or impedes achievement of sustainability goals in an adjacent basin.*

10733.2. (a) (1) ~~By June 1, 2016, the department, in consultation with the board,~~ department shall develop guidelines for evaluating groundwater sustainability plans, the implementation of groundwater sustainability plans, and coordination agreements pursuant to this chapter.

(2) The guidelines shall identify the necessary plan components specified in Sections 10727.2, 10727.4, and 10727.6 and other information that will assist local agencies in developing and implementing groundwater sustainability plans and coordination agreements.

(b) The department may update the guidelines, including to incorporate the best management practices identified pursuant to Section 10729.

(c) ~~By June 1, 2016, the department, in consultation with the board,~~ department shall develop guidelines for evaluating alternatives submitted pursuant to Section 10733.6.

(d) The guidelines required pursuant to this section are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The establishment of guidelines pursuant to this section shall instead be accomplished by means of a public process that gives interested persons an opportunity to be heard.

1 (e) *Before adopting and finalizing the guidelines, the department*
2 *shall conduct three public meetings to consider public comments.*
3 *The department shall publish the draft guidelines on its Internet*
4 *Web site at least 30 days before the public meetings. One meeting*
5 *shall be conducted at a location in northern California, one*
6 *meeting shall be conducted at a location in the central valley of*
7 *California, and one meeting shall be conducted at a location in*
8 *southern California. Upon adoption, the department shall publish*
9 *the guidelines on its Internet Web site.*

10 10733.3. *The department shall post all notices it receives*
11 *pursuant to Section 10723 or 10723.8 on its Internet Web site*
12 *within 15 days of receipt.*

13 10733.4. (a) Upon adoption of a groundwater sustainability
14 plan, a groundwater sustainability agency shall submit the
15 groundwater sustainability plan to the department for review
16 pursuant to this chapter.

17 (b) If groundwater sustainability agencies develop multiple
18 groundwater sustainability plans for a basin, the submission
19 required by subdivision (a) shall not occur until the entire basin is
20 covered by groundwater sustainability plans. When the entire basin
21 is covered by groundwater sustainability plans, the groundwater
22 sustainability agencies shall jointly submit to the department all
23 of the following:

24 (1) The groundwater sustainability plans.

25 (2) An explanation of how the groundwater sustainability plans
26 implemented together satisfy Sections 10727.2, 10727.4, and
27 10727.6 for the entire basin.

28 (3) A copy of the coordination agreement between the
29 groundwater sustainability agencies to ensure the coordinated
30 implementation of the groundwater sustainability plans for the
31 entire basin.

32 (c) Upon receipt of a groundwater sustainability plan, the
33 department shall post the plan on the department's Internet Web
34 site and provide 60 days for persons to submit comments to the
35 department about the plan.

36 (d) The department shall evaluate the groundwater sustainability
37 plan within two years of its submission by a groundwater
38 sustainability agency and issue an assessment of the plan. The
39 assessment may include recommended corrective actions to address
40 any deficiencies identified by the department.

1 10733.6. (a) ~~If there is no groundwater sustainability plan for~~
2 ~~a basin, but~~ a local agency believes that an alternative described
3 in subdivision (b) satisfies the objectives of this part, the local
4 agency may submit the alternative to the department for evaluation
5 and assessment of whether the alternative satisfies the objectives
6 of this part *for the basin*.

7 (b) An alternative is any of the following:

8 (1) A plan developed pursuant to Part 2.75 (commencing with
9 Section 10750) or other law authorizing groundwater management.

10 (2) Management pursuant to an adjudication action.

11 (3) An analysis of basin conditions that demonstrates that the
12 basin has operated within its sustainable yield over a period of at
13 least 10 years. The submission of an alternative described by this
14 paragraph shall include a report prepared by a registered
15 professional engineer or geologist who is licensed by the state and
16 submitted under that engineer's or geologist's seal.

17 (c) A local agency shall submit an alternative pursuant to this
18 section no later than January 1, 2017, and every five years
19 thereafter.

20 (d) The assessment required by subdivision (a) shall include an
21 assessment of whether the alternative is within a basin that is in
22 compliance with Part 2.11 (commencing with Section 10920). If
23 the alternative is within a basin that is not in compliance with Part
24 2.11 (commencing with Section 10920), the department shall find
25 the alternative does not satisfy the objectives of this part.

26 10733.8. At least every five years after initial submission of a
27 plan pursuant to Section 10733.4, ~~the department, in consultation~~
28 ~~with the board,~~ *department* shall review any available groundwater
29 sustainability ~~plan,~~ *plan or* alternative submitted in accordance
30 with Section 10733.6, and the implementation of the corresponding
31 groundwater sustainability program for consistency with this part,
32 including achieving the sustainability goal. The department shall
33 issue an assessment for each basin for which a plan *or alternative*
34 has been submitted in accordance with this chapter, with an
35 emphasis on assessing progress in achieving the sustainability goal
36 within the basin. The assessment may include recommended
37 corrective actions to address any deficiencies identified by the
38 department.

39 10734. (a) Consistent with Section 3 of Article XIII A of the
40 California Constitution, the department ~~shall adopt a schedule of~~

1 ~~fees to recover costs incurred in carrying out this chapter. may~~
2 ~~assess an administrative charge on groundwater sustainability~~
3 ~~agencies for any of the following:~~

4 ~~(b) It is the intent of the Legislature to amend this measure to~~
5 ~~adopt additional authority for the department to implement the fee~~
6 ~~authority provided by this section.~~

7 ~~(1) The cost to the department for evaluating and assessing a~~
8 ~~groundwater sustainability plan pursuant to this part.~~

9 ~~(2) The cost to the department for evaluating and assessing an~~
10 ~~alternative submitted pursuant to Section 10733.6.~~

11 ~~(b) For the purposes of any evaluation, assessment, or~~
12 ~~determination of a groundwater sustainability plan or alternative~~
13 ~~made by the department pursuant to this chapter or Chapter 11~~
14 ~~(commencing with Section 10735), the groundwater sustainability~~
15 ~~plan or alternative shall not be determined to be adequate by the~~
16 ~~department until the administration charge is received.~~

17 ~~(c) The department may assess an administrative charge to the~~
18 ~~board for the department's cost of any additional assessment~~
19 ~~requested by the board pursuant to Section 10735.2.~~

20 ~~(d) A charge levied by the department pursuant to this section~~
21 ~~shall be reasonably related to the costs of providing the services~~
22 ~~described in this part.~~

23 ~~(e) A charge collected by the department pursuant to this section~~
24 ~~shall be deposited in the Groundwater Sustainability Plan~~
25 ~~Administration Fund, which is hereby established in the State~~
26 ~~Treasury. Moneys in the fund shall be available to the department,~~
27 ~~upon appropriation by the Legislature, for support of the~~
28 ~~department in receiving, evaluating, assessing, and making~~
29 ~~determinations about adequacy of the groundwater sustainability~~
30 ~~plan or the alternative.~~

31 *SEC. 15. Chapter 11 (commencing with Section 10735) is*
32 *added to Part 2.74 of Division 6 of the Water Code, to read:*

33
34 CHAPTER 11. STATE INTERVENTION
35

36 10735. As used in this chapter, the following terms have the
37 following meanings:

38 (a) "Condition of long-term overdraft" means the condition of
39 a groundwater basin where the average annual amount of water
40 extracted for a long-term period, generally 10 years or more,

1 exceeds the long-term average annual supply of water to the basin,
2 plus any temporary surplus. Overdraft during a period of drought
3 is not sufficient to establish a condition of long-term overdraft if
4 extractions and recharge are managed as necessary to ensure that
5 reductions in groundwater levels or storage during a period of
6 drought are offset by increases in groundwater levels or storage
7 during other periods.

8 (b) “Person” means any person, firm, association, organization,
9 partnership, business, trust, corporation, limited liability company,
10 or public agency, including any city, county, city and county,
11 district, joint powers authority, state, or any agency or department
12 of those entities. “Person” includes, to the extent authorized by
13 federal *or tribal law and subject to the limitations described in*
14 *subdivisions (c) and (d) of Section 10720.3*, the United States, a
15 department, agency or instrumentality of the federal government,
16 an Indian tribe, an authorized Indian tribal organization, or
17 interstate body.

18 (c) “Probationary basin” means a basin for which the board has
19 issued a determination under Section 10735.2.

20 (d) “Significant depletions of interconnected surface waters”
21 means reductions in flow or levels of ~~a surface water that is~~
22 hydrologically connected to the basin such that the reduced surface
23 water flow or level ~~adversely affects~~ *levels have a significant and*
24 *unreasonable impact on* beneficial uses of the surface water.

25 10735.2. (a) The board, after notice and a public hearing, may
26 designate a basin as a probationary basin, if the board finds one
27 or more of the following applies to the basin:

28 (1) After January 1, 2017, none of the following have occurred:

29 (A) A local agency has elected to be a groundwater
30 sustainability agency that intends to develop a groundwater
31 sustainability plan for the entire basin.

32 (B) A collection of local agencies has formed a groundwater
33 sustainability agency or prepared agreements to develop one or
34 more groundwater sustainability plans that will collectively serve
35 as a groundwater sustainability plan for the entire basin.

36 (C) A local agency has submitted an alternative that has been
37 approved or is pending approval pursuant to Section 10733.6. If
38 the department disapproves an alternative pursuant to Section
39 10733.6, the board shall not act under this paragraph until at least
40 180 days after the department disapproved the alternative.

1 (2) After January 31, 2020, none of the following have occurred:

2 (A) A groundwater sustainability agency has adopted a
3 groundwater sustainability plan for the entire basin.

4 (B) A collection of local agencies—~~have~~ *has* adopted
5 groundwater sustainability plans that collectively serve as a
6 groundwater sustainability plan for the entire basin.

7 (C) The department has approved an alternative pursuant to
8 Section 10733.6.

9 (3) After January 31, 2020, both of the following have occurred:

10 (A) The department, in consultation with the board, determines
11 that a groundwater sustainability plan is inadequate or that the
12 groundwater sustainability program is not being implemented in
13 a manner that will likely achieve the sustainability goal.

14 (B) The board determines that the basin is in a condition of
15 long-term overdraft or in a condition where groundwater
16 extractions result in significant depletions of interconnected surface
17 waters.

18 (b) In making the findings associated with paragraph (3) of
19 subdivision (a), the department and board may rely on periodic
20 assessments the department has prepared pursuant to Chapter 10
21 (commencing with Section 10733). The board may request that
22 the department conduct additional assessments utilizing the
23 guidelines developed pursuant to Chapter 10 (commencing with
24 *Section* 10733) and make determinations pursuant to this section.
25 The board shall post on its Internet Web site and provide at least
26 30 days for the public to comment on any determinations provided
27 by the department pursuant to this subdivision.

28 (c) (1) The determination may exclude a class or category of
29 extractions from the requirement for reporting pursuant to Part 5.2
30 (commencing with Section 5200) of Division 2 if those extractions
31 *are subject to a local plan or program that adequately manages*
32 *groundwater within the portion of the basin to which that plan or*
33 *program applies, or if those extractions are likely to have a*
34 *minimal impact on basin withdrawals.*

35 (2) The determination may require reporting of a class or
36 category of extractions that would otherwise be exempt from
37 reporting pursuant to paragraph (1) of subdivision (c) of Section
38 5202 if those extractions are likely to have a substantial impact on
39 basin withdrawals or requiring reporting of those extractions is

1 reasonably necessary to obtain information for purposes of this
2 chapter.

3 (3) The determination may establish requirements for
4 information required to be included in reports of groundwater
5 extraction, for installation of measuring devices, or for use of a
6 methodology, measuring device, or both, pursuant to Part 5.2
7 (commencing with Section 5200) of Division 2.

8 (4) The determination may modify the water year or reporting
9 date for a report of groundwater extraction pursuant to Section
10 5202.

11 *(d) If the board finds that litigation challenging the formation*
12 *of a groundwater sustainability agency prevented its formation*
13 *before January 1, 2017, pursuant to paragraph (1) of subdivision*
14 *(a) or prevented a groundwater sustainability program from being*
15 *implemented in a manner likely to achieve the sustainability goal*
16 *pursuant to paragraph (3) of subdivision (a), the board shall not*
17 *designate a basin as a probationary basin for a period of time*
18 *equal to the delay caused by the litigation.*

19 10735.4. (a) If the board designates a basin as a probationary
20 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section
21 10735.2, a local agency or groundwater sustainability agency shall
22 have 180 days to remedy the deficiency. The board may appoint
23 a mediator or other facilitator, after consultation with affected local
24 agencies, to assist in resolving disputes, and identifying and
25 implementing actions that will remedy the deficiency.

26 (b) After the 180-day period provided by subdivision (a), the
27 board may provide additional time to remedy the deficiency if it
28 finds that a local agency is making substantial progress toward
29 remedying the deficiency.

30 (c) The board may develop an interim plan pursuant to Section
31 10735.8 for the probationary basin at the end of the period provided
32 by subdivision (a) or any extension provided pursuant to
33 subdivision (b), if the board, in consultation with the department,
34 determines that a local agency has not remedied the deficiency
35 that resulted in designating the basin as a probationary basin .

36 10735.6. (a) If the board designates a basin as a probationary
37 basin pursuant to paragraph (3) of subdivision (a) of Section
38 10735.2, the board shall identify the specific deficiencies and
39 identify potential actions to address the deficiencies. The board
40 may request the department to provide local agencies, within 90

1 days of the designation of a probationary basin, with technical
2 recommendations to remedy the deficiencies.

3 (b) The board may develop an interim plan pursuant to Section
4 10735.8 for the probationary basin one year after the designation
5 of the basin pursuant to paragraph (3) of subdivision (a) of Section
6 10735.2, if the board, in consultation with the department,
7 determines that a local agency has not remedied the deficiency
8 that resulted in designating the basin a probationary basin.

9 10735.8. (a) The board, after notice and a public hearing, may
10 adopt an interim plan for a probationary basin.

11 (b) The interim plan shall include all of the following:

12 (1) Identification of the actions that are necessary to correct a
13 condition of long-term overdraft or a condition where groundwater
14 extractions result in significant depletions of interconnected surface
15 waters, including recommendations for appropriate action by any
16 person.

17 (2) A time schedule for the actions to be taken.

18 (3) A description of the monitoring to be undertaken to
19 determine effectiveness of the plan.

20 (c) The interim plan may include the following:

21 (1) Restrictions on groundwater extraction.

22 (2) A physical solution.

23 (3) Principles and guidelines for the administration of rights to
24 surface waters that are connected to the basin.

25 (d) Except as provided in Sections 100 and 275 and subdivision
26 (e), the interim plan shall be consistent with water right priorities.

27 (e) Where, in the judgment of the board, a groundwater
28 sustainability plan, groundwater sustainability program, or an
29 adjudication action can be relied on as part of the interim plan,
30 either throughout the basin or in an area within the basin, the board
31 may rely on, or incorporate elements of, that plan, program, or
32 adjudication into the interim plan adopted by the board or allow
33 local agencies to continue implementing those parts of a plan or
34 program that the board determines are adequate.

35 (f) In carrying out activities that may affect the probationary
36 basin, state entities shall comply with an interim plan adopted by
37 the board pursuant to this section unless otherwise directed or
38 authorized by statute and the state entity shall indicate to the board
39 in writing the authority for not complying with the interim plan.

(g) (1) After the board adopts an interim plan under this section, the board shall determine if a groundwater sustainability plan or an adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters, upon petition of either of the following:

(A) A groundwater sustainability agency that has adopted a groundwater sustainability plan for the probationary basin or a portion thereof.

(B) A person authorized to file the petition by a judicial order or decree entered in an adjudication action in the probationary basin.

(2) The board shall act on a petition filed pursuant to paragraph (1) within 90 days after the petition is complete. If the board, in consultation with the department, determines that the groundwater sustainability plan or adjudication action is adequate, the board shall rescind the interim plan adopted by the board for the probationary basin, except as provided in paragraphs (3) and (4).

(3) Upon request of the petitioner, the board may amend an interim plan adopted under this section to eliminate portions of the interim plan, while allowing other portions of the interim plan to continue in effect.

(4) The board may decline to rescind an interim plan adopted pursuant to this section if the board determines that the petitioner has not provided adequate assurances that the groundwater sustainability plan or judicial order or decree will be implemented.

(5) This subdivision is not a limitation on the authority of the board to stay its proceedings under this section or to rescind or amend an interim plan adopted pursuant to this section based on the progress made by a groundwater sustainability agency or in an adjudication action, even if the board cannot make a determination of adequacy in accordance with paragraph (1).

10736. (a) The board shall adopt or amend a determination or interim plan under Section 10735.2 or 10735.8 in accordance with procedures for quasi-legislative action.

(b) The board shall provide notice of a hearing described in subdivision (a) of Section 10735.2 or subdivision (a) of Section 10735.8 as follows:

(1) At least 90 days before the hearing, the board shall publish notice of the hearing on its Internet Web site.

1 (2) At least 90 days before the hearing, the board shall notify
2 the department and each city, county, or city and county in which
3 any part of the basin is situated.

4 (3) (A) For the purposes of this paragraph, the terms
5 “board-designated local area” and “local agency” have the same
6 meaning as defined in Section 5009.

7 (B) At least 60 days before the hearing, the board shall mail or
8 send by electronic mail notice to all persons known to the board
9 who extract or who propose to extract water from the basin, or
10 who have made written or electronic mail requests to the board
11 for special notice of hearing pursuant to this part. If any portion
12 of the basin is within a board-designated local area, the records
13 made available to the board by the local agency in accordance with
14 paragraph (4) of subdivision (d) of Section 5009 shall include the
15 names and addresses of persons and entities known to the local
16 agency who extract water from the basin, and the board shall mail
17 or send by electronic mail notice to those persons.

18 (c) The board shall provide notice of proceedings to amend or
19 repeal a determination or plan under Section 10735.2 or 10735.8
20 as appropriate to the proceedings, taking into account the nature
21 of the proposed revision and the person likely to be affected.

22 (d) (1) Except as provided in paragraphs (2) and (3), Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
24 Title 2 of the Government Code does not apply to any action
25 authorized pursuant to Section 10735.2 or 10735.8.

26 (2) The board may adopt a regulation in accordance with Chapter
27 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
28 Title 2 of the Government Code setting procedures for adopting a
29 determination or plan.

30 (3) The board may adopt a regulation applying or interpreting
31 this part pursuant to Section 1530 if the board determines that the
32 emergency regulation is reasonably necessary for the allocation,
33 administration, or collection of fees authorized pursuant to Section
34 1529.5.

35 10736.2. Division 13 (commencing with Section 21000) of the
36 Public Resources Code does not apply to any action or failure to
37 act by the board under this chapter, other than the adoption or
38 amendment of an interim plan pursuant to Section 10735.8.

39 10736.4. The extraction or use of water extracted in violation
40 of an interim plan under this part shall not be relied upon as a basis

1 for establishing the extraction or use of water to support a claim
2 in an action or proceeding for determination of water rights.

3 10736.6. (a) The board may order a person that extracts or
4 uses water from a basin that is subject to an investigation or
5 proceeding under this chapter to prepare and submit to the board
6 any technical or monitoring program reports related to that person's
7 or entity's extraction or use of water as the board may specify.
8 The costs incurred by the person in the preparation of those reports
9 shall bear a reasonable relationship to the need for the report and
10 the benefit to be obtained from the report. If the preparation of
11 individual reports would result in a duplication of effort, or if the
12 reports are necessary to evaluate the cumulative effect of several
13 diversions or uses of water, the board may order any person subject
14 to this subdivision to pay a reasonable share of the cost of preparing
15 reports.

16 (b) (1) An order issued pursuant to this section shall be served
17 by personal service or registered mail on the party to submit
18 technical or monitoring program reports or to pay a share of the
19 costs of preparing reports. Unless the board issues the order after
20 a hearing, the order shall inform the party of the right to request a
21 hearing within 30 days after the party has been served. If the party
22 does not request a hearing within that 30-day period, the order
23 shall take effect as issued. If the party requests a hearing within
24 that 30-day period, the board may adopt a decision and order after
25 conducting a hearing.

26 (2) In-lieu of adopting an order directed at named persons in
27 accordance with the procedures specified in paragraph (1), the
28 board may adopt a regulation applicable to a category or class of
29 persons in accordance with Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

31 (c) Upon application of a person or upon its own motion, the
32 board may review and revise an order issued or regulation adopted
33 pursuant to this section in accordance with the procedures set forth
34 in subdivision (b).

35 (d) In conducting an investigation or proceeding pursuant to
36 this part, the board may inspect the property or facilities of a person
37 to ascertain whether the purposes of this part are being met and to
38 ascertain compliance with this part. The board may obtain an
39 inspection warrant pursuant to the procedures set forth in Title 13
40 (commencing with Section 1822.50) of Part 3 of the Code of Civil

1 Procedure for the purposes of an inspection pursuant to this
2 subdivision.

3 ~~SEC. 13. Section 10750.1 is added to the Water Code, to read:~~

4 ~~10750.1. (a) Beginning January 1, 2015, a new plan shall not~~
5 ~~be adopted and an existing plan shall not be renewed pursuant to~~
6 ~~this part, except as provided in subdivision (b). A plan adopted~~
7 ~~before January 1, 2015, shall remain in effect until a groundwater~~
8 ~~sustainability plan is adopted pursuant to Part 2.74 (commencing~~
9 ~~with Section 10720).~~

10 ~~(b) This section does not apply to a low- or very low priority~~
11 ~~basin as categorized for the purposes of Part 2.74 (commencing~~
12 ~~with Section 10720).~~

13 ~~(c) This section does not apply to a plan submitted as an~~
14 ~~alternative pursuant to Section 10733.6, unless the department has~~
15 ~~not determined that the alternative satisfies the objectives of Part~~
16 ~~2.74 (commencing with Section 10720) on or before January 31,~~
17 ~~2020, or the department later determines that the plan does not~~
18 ~~satisfy the objectives of that part.~~

19 ~~SEC. 14. Section 10927 of the Water Code is amended to read:~~

20 ~~10927. Any of the following entities may assume responsibility~~
21 ~~for monitoring and reporting groundwater elevations in all or a~~
22 ~~part of a basin or subbasin in accordance with this part:~~

23 ~~(a) A watermaster or water management engineer appointed by~~
24 ~~a court or pursuant to statute to administer a final judgment~~
25 ~~determining rights to groundwater.~~

26 ~~(b) (1) A groundwater management agency with statutory~~
27 ~~authority to manage groundwater pursuant to its principal act that~~
28 ~~is monitoring groundwater elevations in all or a part of a~~
29 ~~groundwater basin or subbasin on or before January 1, 2010.~~

30 ~~(2) A water replenishment district established pursuant to~~
31 ~~Division 18 (commencing with Section 60000). This part does not~~
32 ~~expand or otherwise affect the authority of a water replenishment~~
33 ~~district relating to monitoring groundwater elevations.~~

34 ~~(3) A groundwater sustainability agency with statutory authority~~
35 ~~to manage groundwater pursuant to Part 2.74 (commencing with~~
36 ~~Section 10720).~~

37 ~~(c) A local agency that is managing all or part of a groundwater~~
38 ~~basin or subbasin pursuant to Part 2.75 (commencing with Section~~
39 ~~10750) and that was monitoring groundwater elevations in all or~~
40 ~~a part of a groundwater basin or subbasin on or before January 1,~~

2010, or a local agency or county that is managing all or part of a groundwater basin or subbasin pursuant to any other legally enforceable groundwater management plan with provisions that are substantively similar to those described in that part and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

(e) A local agency that has been collecting and reporting groundwater elevations and that does not have an adopted groundwater management plan, if the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) by January 1, 2014. The department may authorize the local agency to conduct the monitoring and reporting of groundwater elevations pursuant to this part on an interim basis, until the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) or until January 1, 2014, whichever occurs first.

(f) A county that is not managing all or a part of a groundwater basin or subbasin pursuant to a legally enforceable groundwater management plan with provisions that are substantively similar to those described in Part 2.75 (commencing with Section 10750).

(g) A voluntary cooperative groundwater monitoring association formed pursuant to Section 10935.

SEC. 15. Section 10933 of the Water Code is amended to read:

10933. (a) The department shall commence to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin and subbasin.

(b) (1) The department shall prioritize groundwater basins and subbasins for the purpose of implementing this section. In prioritizing the basins and subbasins, the department shall, to the extent data are available, consider all of the following:

(A) The population overlying the basin or subbasin.

(B) The rate of current and projected growth of the population overlying the basin or subbasin.

1 ~~(C) The number of public supply wells that draw from the basin~~
2 ~~or subbasin.~~

3 ~~(D) The total number of wells that draw from the basin or~~
4 ~~subbasin.~~

5 ~~(E) The irrigated acreage overlying the basin or subbasin.~~

6 ~~(F) The degree to which persons overlying the basin or subbasin~~
7 ~~rely on groundwater as their primary source of water.~~

8 ~~(G) Any documented impacts on the groundwater within the~~
9 ~~basin or subbasin, including overdraft, subsidence, saline intrusion,~~
10 ~~and other water quality degradation.~~

11 ~~(H) Any other information determined to be relevant by the~~
12 ~~department.~~

13 ~~(2) The department, in consultation with the Department of Fish~~
14 ~~and Wildlife, shall identify and develop prioritization criteria for~~
15 ~~the purpose of identifying groundwater basins and subbasins that~~
16 ~~should be prioritized based on adverse impacts to habitat and~~
17 ~~surface water resources. These criteria shall be incorporated into~~
18 ~~the determination of basin and subbasin prioritization at the~~
19 ~~department's next update of basin and subbasin prioritizations that~~
20 ~~occurs after January 1, 2017.~~

21 ~~(e) If the department determines that all or part of a basin or~~
22 ~~subbasin is not being monitored pursuant to this part, the~~
23 ~~department shall do all of the following:~~

24 ~~(1) Attempt to contact all well owners within the area not being~~
25 ~~monitored.~~

26 ~~(2) Determine if there is an interest in establishing any of the~~
27 ~~following:~~

28 ~~(A) A groundwater management plan pursuant to Part 2.75~~
29 ~~(commencing with Section 10750).~~

30 ~~(B) An integrated regional water management plan pursuant to~~
31 ~~Part 2.2 (commencing with Section 10530) that includes a~~
32 ~~groundwater management component that complies with the~~
33 ~~requirements of Section 10753.7.~~

34 ~~(C) A voluntary groundwater monitoring association pursuant~~
35 ~~to Section 10935.~~

36 ~~(d) If the department determines that there is sufficient interest~~
37 ~~in establishing a plan or association described in paragraph (2) of~~
38 ~~subdivision (e), or if the county agrees to perform the groundwater~~
39 ~~monitoring functions in accordance with this part, the department~~

1 shall work cooperatively with the interested parties to comply with
2 the requirements of this part within two years.

3 ~~(e) If the department determines, with regard to a basin or~~
4 ~~subbasin, that there is insufficient interest in establishing a plan~~
5 ~~or association described in paragraph (2) of subdivision (c), and~~
6 ~~if the county decides not to perform the groundwater monitoring~~
7 ~~and reporting functions of this part, the department shall do all of~~
8 ~~the following:~~

9 ~~(1) Identify any existing monitoring wells that overlie the basin~~
10 ~~or subbasin that are owned or operated by the department or any~~
11 ~~other state or federal agency.~~

12 ~~(2) Determine whether the monitoring wells identified pursuant~~
13 ~~to paragraph (1) provide sufficient information to demonstrate~~
14 ~~seasonal and long-term trends in groundwater elevations.~~

15 ~~(3) If the department determines that the monitoring wells~~
16 ~~identified pursuant to paragraph (1) provide sufficient information~~
17 ~~to demonstrate seasonal and long-term trends in groundwater~~
18 ~~elevations, the department shall not perform groundwater~~
19 ~~monitoring functions pursuant to Section 10933.5.~~

20 ~~(4) If the department determines that the monitoring wells~~
21 ~~identified pursuant to paragraph (1) provide insufficient~~
22 ~~information to demonstrate seasonal and long-term trends in~~
23 ~~groundwater elevations, the department shall perform groundwater~~
24 ~~monitoring functions pursuant to Section 10933.5.~~

25 ~~SEC. 16. Section 12924 of the Water Code is amended to read:~~

26 ~~12924. (a) The department, in conjunction with other public~~
27 ~~agencies, shall conduct an investigation of the state's groundwater~~
28 ~~basins. The department shall identify the state's groundwater basins~~
29 ~~on the basis of geological and hydrological conditions and~~
30 ~~consideration of political boundary lines whenever practical. The~~
31 ~~department shall also investigate existing general patterns of~~
32 ~~groundwater extraction and groundwater recharge within those~~
33 ~~basins to the extent necessary to identify basins that are subject to~~
34 ~~critical conditions of overdraft.~~

35 ~~(b) The department may revise the boundaries of groundwater~~
36 ~~basins identified in subdivision (a) based on its own investigations~~
37 ~~or information provided by others.~~

38 ~~(c) The department shall report its findings to the Governor and~~
39 ~~the Legislature not later than January 1, 2012, and thereafter in~~
40 ~~years ending in 5 or 0.~~

~~SEC. 17.~~

SEC. 16. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

~~SEC. 18.~~

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 19.~~

SEC. 18. The Legislature finds and declares that Section ~~11~~ 10 of this act, which adds Section 5206 to the Water Code and Section 12 of this act, which adds Section 10730.8 to the Water Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to allow this act to fully accomplish its goals, it is necessary to protect proprietary information submitted pursuant to this act as confidential. Therefore, it is in the state's interest to limit public access to this information.

SEC. 19. *This act shall only become operative if Senate Bill 1168 of the 2013–14 Regular Session is enacted and becomes effective.*

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